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BULLETIN No. 12.

U. S. DEPARTMENT OF AGRICULTURE

DIVISION OF BIOLOGICAL SURVEY

LEGISLATION FOR THE PROTECTION OF BIRDS

OTHER THAN GAME BIRDS

BY

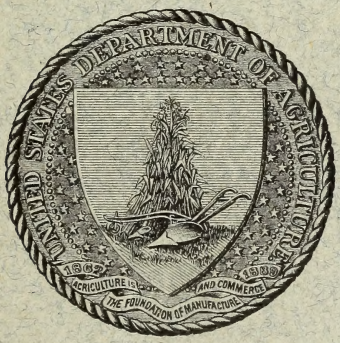
T. S. PALMER

ASSISTANT CHIEF, BIOLOGICAL SURVEY

PREPARED UNDER THE DIRECTION OF

Dr. C. HART MERRIAM

CHIEF OF BIOLOGICAL SURVEY



WASHINGTON

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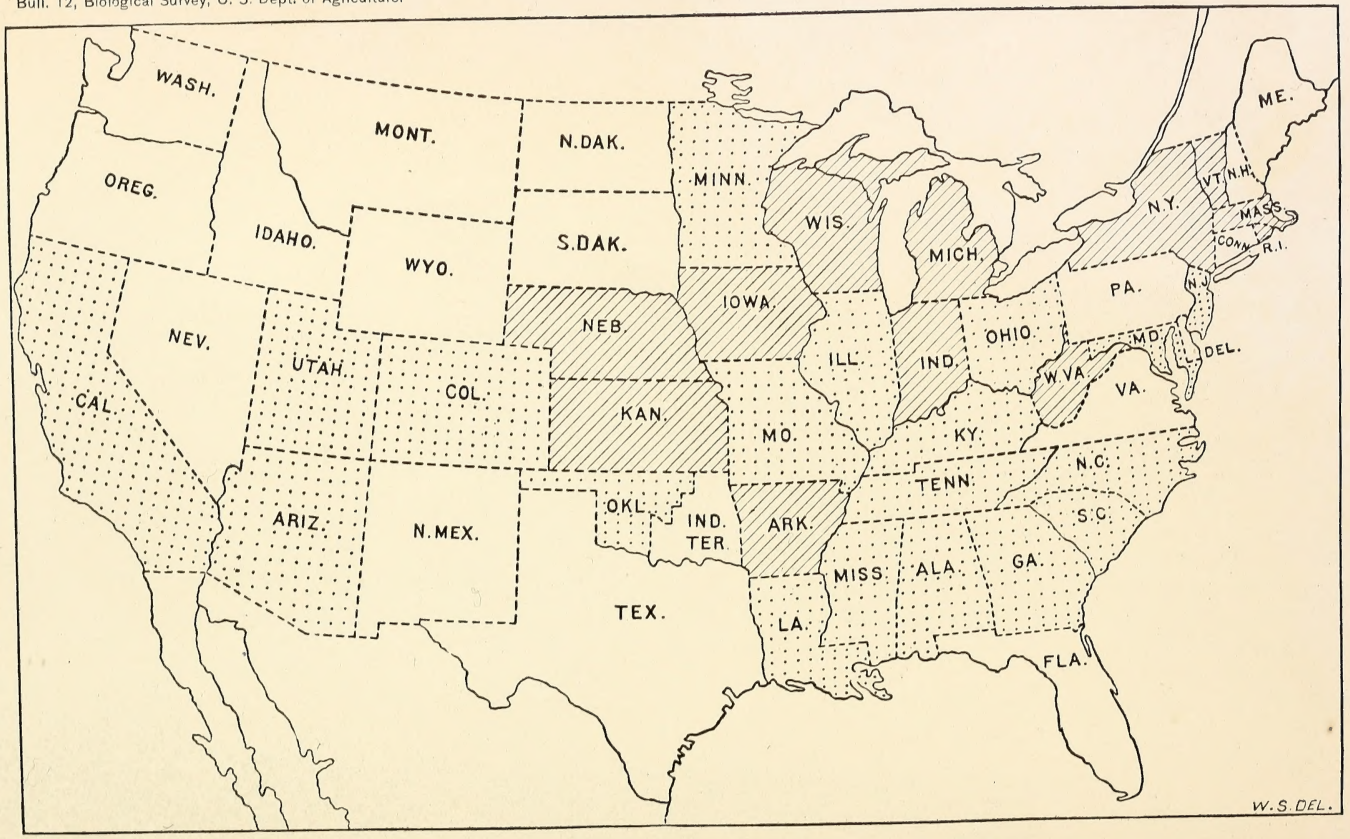
1900



MAP ILLUSTRATING DIVERSITY IN STATE LAWS FOR THE PROTECTION OF BIRDS.

The Common Dove (*Zenaidura macroura*) is found throughout the United States. In 12 States (shaded) it is protected at all times, in 19 (dotted) only at certain seasons, while in the others it is without protection.

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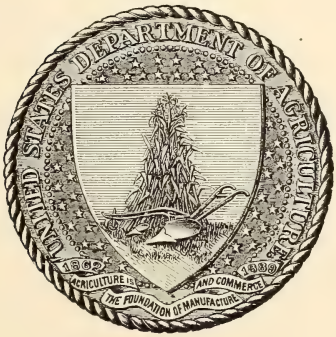

WASHINGTON

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LETTER OF TRANSMITTAL.

U. S. Department of Agriculture,
Division of Biological Survey,
Washington, D. C., May 1, 1900.

Sir: I have the honor to submit herewith and to recommend for publication, as Bulletin No. 12 of this Division, a report on Legislation for the Protection of Birds other than Game Birds, by my assistant, Dr. T. S. Palmer. This report has been prepared in response to numerous inquiries in regard to existing regulations for the protection of birds. Its object is to present in convenient form a review of protective legislation, together with the various State laws now in force. The present widespread interest in birds and the importance of calling attention to existing laws in order to render more effective the efforts now being made to protect birds during the breeding season make it desirable that this report be published and distributed as promptly as possible.

Respectfully,

C. Hart Merriam,
Chief, Biological Survey.

Hon. James Wilson,
Secretary of Agriculture.

PREFACE.

It is generally admitted that birds which are neither fit for food nor injurious to crops, and more especially species which are insectivorous, are entitled to protection, but the laws enacted for their preservation lack uniformity, and many useful species are not now protected. Fully 90 percent of existing bird legislation has been enacted for the benefit of game birds, which comprise less than 20 percent of all the birds of North America. The other species, which are of special interest to the farmer and the general public, have, until recent years, received scant protection. It is the legislation affecting this large group (more than 80 percent of the species on the Continent) which forms the subject of the present bulletin.

The complicated regulations for the preservation of game birds do not come within the limits of this discussion; hence, such topics as open seasons, swivel guns, night shooting, fire hunting, gun licenses, nonresident licenses, appointment and duties of game wardens, cold-storage traffic, nonexport clauses, and similar matters relating properly to game, receive merely incidental notice. Full information on these questions may be obtained from the laws themselves, or from the very convenient abstract of game legislation published quarterly in 'Game Laws in Brief and Woodcraft Magazine,' which has been freely used in the preparation of this bulletin.

An attempt has been made to bring together in convenient form the various State laws, and in such a compilation it is possible that in spite of all precautions some paragraphs may have been omitted which should have been included, or later amendments than those here given have been overlooked. It is hoped that such omissions will not detract seriously from the value of the work; but any suggestions as to inaccuracies or important additions will be welcomed.

T. S. Palmer.

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LEGISLATION FOR THE PROTECTION OF BIRDS OTHER THAN GAME BIRDS.

I. GENERAL DISCUSSION OF PROTECTIVE LEGISLATION.

INTRODUCTION.

Bird protection in its broadest sense appeals to many persons and diverse interests, and its importance is becoming more generally appreciated. The sportsman who values birds chiefly for the pleasure derived from their pursuit as game, the market hunter who hunts them solely for profit, the farmer who regards them in the light of their relation to agriculture, and the many persons of every class who derive enjoyment from their presence, are all interested in the question of their preservation. The sportsman has long realized the necessity for protective measures, but the farmer has only recently learned to appreciate the full value of birds as insect destroyers. More exact knowledge of their food habits has resulted in a higher estimate of their utility on the farm, and demonstrated more clearly than ever the necessity of active measures to insure their protection. Recent years have also witnessed a greatly increased interest in birds from the æsthetic standpoint, which has resulted in the formation of numerous protective organizations known as Audubon societies. Still bird destruction is going on rapidly in the United States, and in many regions there is a marked decrease in the abundance of certain species. Cheap guns, lax laws, the mania for collecting and shooting, and more especially the enormous demand for birds for market and for the millinery trade, are responsible for this reduction in bird life.

The protection of birds is a national, not a local, question. It deals largely with migratory species which breed in one section, winter in another, and traverse several States in passing to and from their breeding grounds. Legislation on this subject belongs primarily to the States, but if it is to accomplish its purpose in a country like the United States, which, exclusive of Alaska, extends through 24° of latitude and 58° of longitude (an extent equal to two-thirds that of the whole Continent of Europe), there must be greater harmony of action between the several States. Absolute uniformity in the protective laws of fifty distinct Commonwealths may be impossible of attainment, but it is highly necessary, and seems to be feasible, to secure a much greater degree of uniformity than at present exists. State laws may be supplemented to some extent by federal legislation, and a bill has

just been passed by Congress to regulate interstate commerce in game killed in violation of local laws. (See page 52.)

Similar, and perhaps greater difficulties exist abroad, but several countries of the Old World, including England, France, Germany, Austria, Italy, Switzerland, Belgium, and even Japan, have taken steps to prevent the indiscriminate slaughter of useful birds. While the limits of this bulletin preclude any account of the regulations that have been adopted in Europe, it is interesting to observe that the importance of uniformity of action between neighboring countries is fully appreciated, as shown by the convention entered into by France and Switzerland in 1885.[1]

Protective legislation was originally intended to secure merely the preservation of birds which were killed for food or sport, but as time went on it was extended gradually to other species. It is this later phase of the subject, the protection of birds not strictly game, which will be discussed here; but before proceeding to the consideration of the laws now in force or the defects in existing legislation, it may be worth while to review very briefly the development of protective laws in the United States.

HISTORY OF PROTECTIVE LEGISLATION.

The necessity of restricting the slaughter of useful birds began to be recognized in the last century, if not before. In 1791 New York enacted a law protecting the heath hen from April 1 to October 5. Some years later, in 1818, Massachusetts passed a law to prevent the wanton destruction at "improper times" of "birds which are useful and profitable to the citizens either as articles of food or instruments in the hands of Providence to destroy many noxious insects, grubs and caterpillars, which are prejudicial or destructive to vegetation, fruits and grain." This law prohibited the killing of quail or partridges between March 1 and September 1, and of woodcock, snipe, larks, or robins from March 1 to July 4. Larks and robins were protected merely as game, and it was not until the middle of the century that birds not usually killed for food received the protection which is now generally accorded them.

In 1850 both Connecticut and New Jersey passed special laws for the protection of insectivorous birds. The New Jersey law, approved March 6, 1850, was entitled "An act to prevent the destruction of small and harmless birds," and is quoted in full, since it is of interest as one of the first of its kind in the United States:

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That it shall not be lawful in this State for any person to shoot, or in any other manner to kill or destroy, except upon his own premises, any of the following description of

[1] The text of the convention of August 6, 1885, and a brief résumé of protective legislation in Europe may be found in the report of M. de la Sicotière, Congrès International d'Agriculture, 6e section, Protection des Oiseaux, pp. 1–20, Paris, 1889.

birds: The night or musquito hawk, chimney swallow, barn swallow, martin or swift, whippowil [sic], cuckoo, kingbird or bee martin, woodpecker, claip or high hole, catbird, wren, bluebird, meadow lark, brown thrusher [sic], dove, firebird or summer redbird, hanging bird, ground robin or chewink, bobolink or ricebird, robin, snow or chipping bird, sparrow, Carolina lit [sic], warbler, bat, blackbird, blue jay, and the small owl.

2. *And be it enacted,* That every person offending in the premises shall forfeit and pay for each offence the sum of five dollars, to be sued for and recovered in an action of debt by any person who will sue for the same, with cost.

3. *And be it enacted,* That any person wilfully destroying the eggs of any of the above-described birds shall be liable to the penalty prescribed in the second section of this act, to be sued for and recovered as therein prescribed.

Similar acts were passed in 1851 by Vermont, in 1855 by Massachusetts, and shortly after by other States, until in 1864 they were in force in the District of Columbia and twelve States, comprising all of New England, New York, New Jersey, Pennsylvania, Iowa, Michigan, and Minnesota.

These early laws, as exemplified by the New Jersey statute just quoted, enumerated the species to be protected, and extended protection only to 'insectivorous,' 'song,' or 'harmless' birds, as is still done by some of the laws now in force. In 1877, however, Florida went a step further, by enacting special legislation for the preservation of sea birds and plume birds, and in 1891 her example was followed by Texas. Recently a beginning has been made toward preserving birds of prey, or at least discriminating between the useful and injurious species. In 1886 a departure was made by the committee on bird protection of the American Ornithologists' Union, which drafted a bill differing from previous laws by defining game birds and protecting *all others* (with the exception of a few known to be injurious), thus including not only insectivorous and plume birds, but birds of prey as well. (See p. 48.) This method of defining the species to be protected has now been adopted by several States. It has the advantage of clearness, simplicity, and completeness, which is not the case with laws framed on the old lines.

During the last three years a few attempts have been made to legislate against the sale and wearing of feathers of native birds, as the enormous demand for birds for millinery purposes is generally recognized as one of the chief causes of bird destruction. In 1897 California declared that every person who shall at any time kill or have in his possession, "except for the purpose of propagation or for educational or scientific purposes, any English skylark, robin, canary, hummingbird, thrush, or mocking-bird, or *any part of the skin, skins, or plumage thereof*, * * * is guilty of a misdemeanor."[1] In the same year Massachusetts passed a broader law aimed more directly at the trade in feathers, which provided that "whoever has in his possession the body or feathers of any bird whose taking or killing is prohibited by

[1] Penal Code, California, 1897, p. 216.

section 4 of chapter 276 of the acts of the year 1886, or wears such feathers for the purpose of dress or ornament, shall be punished [by a fine of $10] as provided in said section."[1] This act was promptly tested in the courts and declared unconstitutional. It was, however, amended by the legislature in the following year, although the new law did not go into effect until April 1, 1899. The words 'whether taken in this Commonwealth or elsewhere' were inserted after '1886,' and another clause was added which excepted from the provisions of the act nonresidents passing through or temporarily dwelling within the State.[2] Maryland also declared in 1898: "No person shall under like penalty [$1 to $5] have in his or her possession, offer for sale or wear, the skins, plumage, wings, or feathers of any of the birds, the catching or killing of which is prohibited by this section."[3] Recently New York has incorporated in its game law a millinery clause, which provides that "no part of the plumage, skin, or body of any bird protected by this section shall be sold or had in possession for sale."[4]

Federal legislation restricting interstate commerce in birds for millinery purposes has also been advocated, and a bill designed to accomplish that purpose was passed by the Senate at the last session of Congress, but failed to become a law. (See p. 49.)

It has been proposed that, as a means of increasing interest in bird study, the schools observe a special 'Bird Day' each year. This suggestion has met with considerable favor. A 'Bird Day' celebrated with appropriate exercises, similar to and often united with those of Arbor Day, has now become a regular feature of the school calendar in several States, and in some has been recognized by law. Wisconsin in 1897, and Minnesota and Connecticut in 1899, legally established a combined Arbor and Bird Day. (See p. 90.)

It is interesting to notice that protective legislation in America has followed much the same lines as in England. The English law originally protected game only. The birds regarded as such were pheasants, partridges, grouse, heath or moor game, black game, and bustards (1 and 2 Will. IV, c. 32). In 1869 protection was extended to sea birds between April 1 and August 1, and in 1872 to wild fowl between February 15 and August 1. A few years later all birds were protected between March 1 and August 1 by the 'Wild birds protection acts' of 1880–81 (43 and 44 Vict., c. 35; 44 and 45 Vict., c. 51). Finally in 1894 another act was passed enabling the secretary of state, upon application of a county council, to prohibit the taking of eggs of any wild bird either in the county or in certain areas within it.[5]

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[1] Acts of Massachusetts, 1897, chap. 524, p. 561.

[2] Acts of Massachusetts, 1898, chap. 339, p. 275.

[3] Laws of Maryland, 1898, chap. 206, sec. 15H, p. 711.

[4] Laws of 1900, chap. 20, sec. 33.

[5] J. E. Harting, Encyclopædia of Sport, I, p. 447, 1898.

It will be noticed that in one respect there is a wide difference between English and American laws. Under the former all birds are treated alike and are protected only during five months that cover the breeding season, whereas in the United States it is customary to divide birds into two or more categories and protect game birds only during the breeding season, and the other protected species at all times. As will be explained later (see p. 45), only a few States, notably Georgia, North Carolina, and Tennessee, treat all birds alike, but these States really protect few species besides game birds. The English law has the advantage of being more comprehensive than most of our statutes, but the principle of establishing protection only during the breeding season would be open to serious objection in many States on account of the tendency to class a number of insectivorous birds as game. Under that plan such birds would be killed for market in large numbers during the winter months.

DEFINITIONS OF GAME BIRDS.

From the standpoint of the sportsman, birds are either game birds or non-game birds, but from the legislative standpoint they may be roughly divided into three groups: (1) Species which should be protected at all times, as thrushes; (2) species which may be killed at certain seasons for food or sport, as quail; (3) species which are injurious and therefore excluded from protection, as the English sparrow. The first group is usually called 'insectivorous' or 'song' birds, the second 'game,' and the third 'injurious' birds; but these groups are necessarily arbitrary, and their limits are by no means certain. About 1,125 species and subspecies of birds inhabit North America north of Mexico, and of these only about 200 (18 percent) can properly be considered game. (See p. 25.)

As the wording of modern protective laws turns largely on the definition of 'game birds,' it may be well to note some of the different interpretations which have been applied to this term. A game bird, according to the Century Dictionary is "a bird ordinarily pursued for sport or profit, or which is or may be the subject of a game law." Bouvier's Law Dictionary defines game in general as "birds and beasts of a wild nature obtained by fowling and hunting." In different State laws the term is defined in various ways without special regard for uniformity. Thus Maine[1] fixes an annual close season for 'game birds,' and enumerates under this head the wood duck, dusky duck (commonly called black duck), teal, gray duck, ruffed grouse (commonly called partridge), woodcock, quail, plover, snipe, and sandpipers. In the Michigan law[2] the term 'game bird' is construed

[1] Rev. Stat., chap. 30, sec. 11.

[2] Public Acts, 1897, p. 202, sec. 21.

to mean all birds named or referred to except certain insectivorous species. According to the Code of Mississippi, "the term 'game' includes all kinds of animals and birds found in the state of nature, and commonly so called."[1] Nova Scotia declares: "'Game' shall mean and include * * * Canada and ruffed grouse (commonly called partridge), pheasants, blackcock, capercailzie, ptarmigan, sharp-tailed grouse, woodcock, snipe, bluewinged ducks, teal, and wood ducks."[2] British Columbia decrees that a game bird "shall mean a bird protected by the provisions of this act,"[3] and New Brunswick "any bird mentioned in this act, or of a species or class similar thereto."[4]

The plan of enumerating each species, as in some of these laws, is not clear or concise. It also lacks uniformity because of the confusion existing in the common names of certain game birds and the presence of species in one State which do not occur in another.[5]

In order to overcome this difficulty, the Committee on Protection of Birds of the American Ornithologists' Union has suggested using the larger groups called orders and families, into which birds are commonly divided,[6] instead of species, which gives at once a simple and concise definition. "The following only shall be considered game birds: The Anatidæ, commonly known as swans, geese, brant, river and sea ducks; the Rallidæ, commonly known as rails, coots, mud-hens, and gallinules; the Limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tatlers, and curlews; the Gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quail." These four groups, the Anatidæ, Rallidæ, Limicolæ, and Gallinæ, include all the species which are commonly hunted for sport or for food in the United States, with the exception of cranes, wild pigeons, doves, flickers, meadowlarks, reedbirds, blackbirds, and robins. Cranes, pigeons, and doves are ordinarily considered legitimate game, but are now so rare in most States that it has become necessary to remove them from the game list. Flickers, meadowlarks, blackbirds, reedbirds, and robins being insectivorous are more valuable for other purposes than for food, and merit special attention.

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[1] Annotated Code, 1892, sec. 2118.

[2] Laws of 1896, chap. 4, sec. 2.

[3] Statutes, 1898, chap. 24, sec 2.

[4] Acts of 1899, Chap. VIII, sec. 2.

[5] If these species are not mentioned in the game list of the latter State, they can be imported and sold during close seasons, thus furnishing a market for the illegitimate sale of game from other States.

[6] Ornithologists divide the class of birds into orders which are subdivided into groups called families, these again into genera, which in turn are composed of species and subspecies. Only 17 orders and 67 families are represented in North America north of Mexico.

SPECIES ERRONEOUSLY CONSIDERED GAME BIRDS.

PIGEONS AND DOVES.

The order Columbæ, comprising wild pigeons and doves, is represented in the United States by 15 species and subspecies. Of these, only three have any practical importance as game birds, viz, the passenger pigeon (*Ectopistes migratorius*), now almost exterminated; the band-tailed pigeon (*Columba fasciata*), found from the Rocky Mountains to the Pacific coast, and the common, mourning, turtle, or Carolina dove (*Zenaidura macroura*), distributed more or less generally throughout the United States. The wild pigeon is now rarely seen except in

FIG. 1.—Mourning dove (*Zenaidura macroura*).

two or three of the States about the Great Lakes, where it is rigidly protected.[1] Although it was formerly one of the most important game birds of the country, its numbers have been so diminished during the last thirty or forty years that it can no longer be considered as belonging in the game list. The band-tailed pigeon is an important game bird in only half a dozen States, and Colorado seems to be the only one which provides an open season (July 15 to September 30). The common dove (fig. 1) is protected in some States throughout the year, in others only during the breeding season, while in still others it is not mentioned in the laws, and hence may be killed at any season. (See frontispiece.) Where it is abundant, as in southern California and

[1] The Provinces of Manitoba and Quebec, however, exclude it from the list of protected birds (see pp. 37, 86, 89).

some parts of the Southwest, it is perhaps in no immediate danger of extermination if the slaughter is kept within reasonable bounds. There is, however, a wide diversity in the open seasons in different States. As shown in the following table and diagram, dove shooting is allowed during periods varying from two to nine months. (See fig. 2.)

Open seasons for doves.

State or Territory.	Open season.	State or Territory.	Open season.
Alabama [1]	November 1 to March 1.	Mississippi	September 15 to March 1.
Arizona	June 1 to March 1.	Missouri	August 1 to January 1.
California	July 15 to February 15.	New Jersey	August 1 to September 30.
Colorado	July 15 to September 30.	North Carolina	October 15 to April 1.
Georgia	August 15 to March 15.	Ohio	July 4 to December 15.
Illinois	September 1 to December 1.	Oklahoma	August 1 to December 31.
Kentucky	August 1 to February 1.	South Carolina	August 1 to March 1.
Louisiana	September 1 to April 1.	Tennessee [2]	November 1 to February 1.
Maryland	August 15 to December 24.	Utah	July 1 to December 1.
Minnesota	September 1 to November 1.		

[1] The evident intention was to make the open season August 1 to March 1 (see p. 56).

[2] In Greene and Bradley counties; in Wilson County the open season extends from August 1 to April 1, and in Montgomery and Cheatham counties from August 1 to March 1.

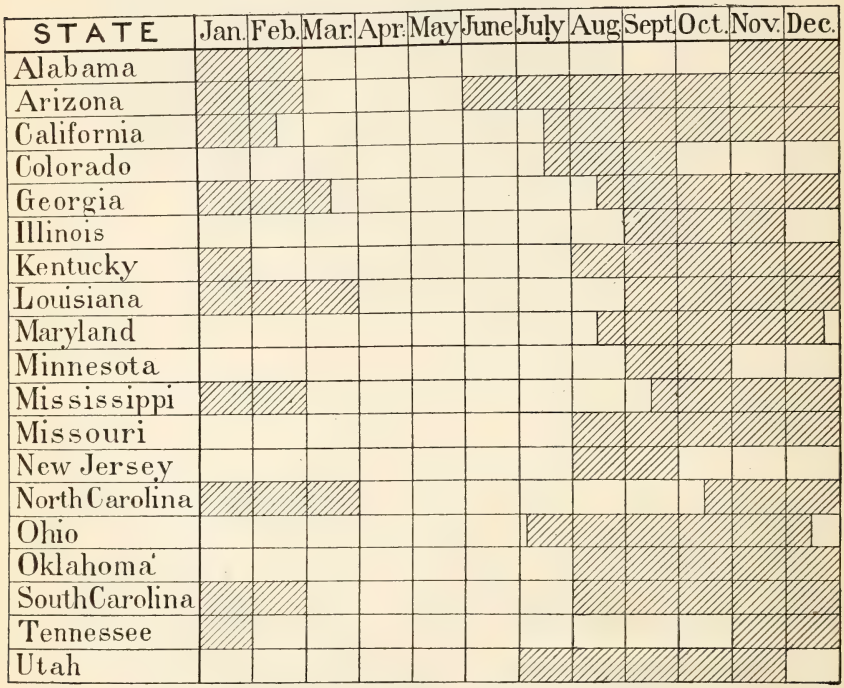

FIG. 2.—Diagram showing open seasons for doves: The shaded area indicates the months when dove shooting is permitted.

Doves feed largely on seeds, and an examination of a considerable number of stomachs has shown that these include seeds of noxious

weeds, such as pokeweed and several species of the genera *Lithospermum*, *Oxalis*, and *Euphorbia*. In certain parts of California the habit of feeding on the seeds of turkey mullein (*Eremocarpus setigerus*) is so well known that a botanist, on inquiring how he could collect some seeds of this plant, was advised to shoot a few doves and open their crops. Under some circumstances enormous quantities of weed seed are devoured, as shown by the crop of a dove killed in a rye field at Warner, Tenn., which contained no less than 7,500 seeds of *Oxalis stricta*. As a weed destroyer, the dove more than compensates for the grain which it occasionally consumes, and the value of its services is certainly greater than the few cents which its body brings in market.

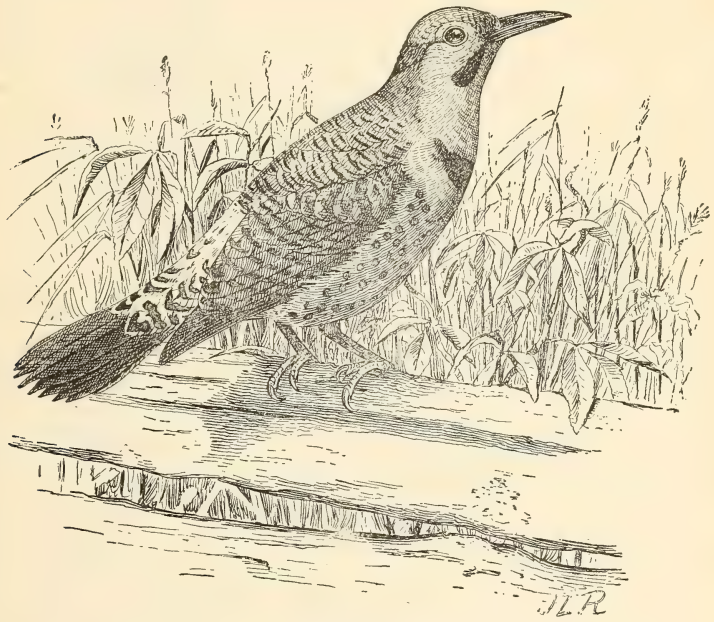

FIG. 3.—Flicker (*Colaptes auratus*).

FLICKERS.

Of the woodpeckers, the flickers or pigeon woodpeckers (fig. 3), represented in the East by the yellow-shafted flicker (*Colaptes auratus*) and in the West by the red-shafted flicker (*C. cafer*), are the only ones which are killed to any extent for food.[1] They are still regarded as legitimate game in some sections, but apparently are so treated by law only in Nevada, which fixes an open season from September 15 to March 15. Like other woodpeckers, the flicker is

[1] In some parts of the South the pileated woodpecker (*Ceophlœus pileatus*) is sold as game, and a few specimens can be found occasionally in the markets of Washington, D. C.

mainly insectivorous. An examination of 230 stomachs of the yellow-shafted flicker showed the presence of 5 percent mineral, 39 percent vegetable, and 56 percent animal matter.[1] The mineral element was mainly sand, probably picked up accidentally along with other food. The vegetable matter consisted of the seeds of a number of weeds and berries of several native shrubs and occasionally a small amount of grain, but too little to be of much consequence. Flickers are more terrestrial than other woodpeckers, and a large part of their animal food consists of ants, which constitute nearly half the food of the year. Several stomachs contained little else, and at least two contained more than 3,000 each of these insects. Beetles stand next to ants in importance, forming about 10 percent of the food, and including chiefly May beetles, a few snapping beetles, and carabids, or predaceous ground beetles. Grasshoppers also are eaten at certain times, as shown by several stomachs (collected in June, 1865, in Dixon County, Nebr.), which contained from 15 to 48 grasshoppers each. A bird with such a record is far too valuable to be killed for food, and is entitled to all the protection ordinarily accorded insectivorous species.

BOBOLINKS OR REEDBIRDS.

Comparatively few passerine birds are treated as game. Among these few, bobolinks (reedbirds), blackbirds, meadowlarks, and robins are the most important. The enormous numbers of bobolinks (*Dolichonyx oryzivorus*—fig. 4) which flock to the Atlantic coast each autumn to feed on the seeds of wild rice before taking their departure for the rice fields of the South and their winter haunts in South America have given rise to the sport of reedbird shooting, a sport scarcely known in other sections of the country. The bobolink, which is rigidly protected during its stay on its breeding grounds in the Northern States, receives the name of reedbird as soon as it enters the Middle States in autumn dress, and is considered legitimate game. Open seasons are legalized in the Middle States as follows: Delaware, September 1 to February 1; District of Columbia, August 21 to February 1 (Tuesdays, Thursdays, and Saturdays only); Maryland, September 1 to November 1; New Jersey, August 25 to January 1; Pennsylvania, September 1 to November 30. For a few weeks it is killed in enormous numbers for market, and when it reaches the Carolinas, farther south, where it is known as the ricebird, the slaughter is increased, not for sport, but as protection against its ravages in the rice fields. Here it becomes a veritable pest, and may be killed lawfully at any season. To many persons it is a delicious morsel, although its diminutive body furnishes little more than a taste of meat. There

[1] Beal, Food of Woodpeckers, Bull. 7, Div. Ornith. and Mamm., Dept. Agr., pp. 16–20, 1895.

would be no objection to utilizing the bird for food were it not for the abuse to which this custom of killing it for market has given rise. Not only are other birds killed for reedbirds, but in States in which reedbirds do not occur marketmen try to make up the deficiency by furnishing various small birds under that name. In the markets of San Francisco horned larks (*Otocoris*), red-winged blackbirds (*Agelaius*), Brewer's blackbirds (*Scolecophagus*), white-crowned and golden-crowned

FIG. 4.—Bobolink (*Dolichonyx oryzivorus*).

sparrows (*Zonotrichia*), song sparrows (*Melospiza*), savanna sparrows (*Ammodramus*), house finches (*Carpodacus*), and even goldfinches (*Astragalinus*), have all been sold as reedbirds.[1] Such conditions serve only to defeat the object of protective laws, and for this reason, if for no other, reedbirds should be taken off the game list, except in the few States in which they are known to be abundant; and even here their sale should be carefully regulated to prevent the slaughter of robins, larks, and other birds, which are almost certain to be killed by market hunters.

[1] Bryant, Zoe, II, pp. 142–145, 1891.

MEADOWLARKS.

Like the flicker, the meadowlark (*Sturnella magna*—fig. 5) is considered game by many persons, mainly on account of the character of its meat, which in some respects resembles that of quail. A few States provide an open season for lark shooting, as follows: Mississippi, September 15 to March 1; Missouri, August 1 to January 1; North Carolina, October 15 to April 1; British Columbia, September 1 to March 1; Georgia apparently allows the bird to be killed at any season. Its importance to sportsmen is small in comparison with its value to farmers. Professor Beal, in speaking of its food habits says: "It is one of the most useful allies to agriculture, standing almost without a peer as a destroyer of noxious insects. * * *

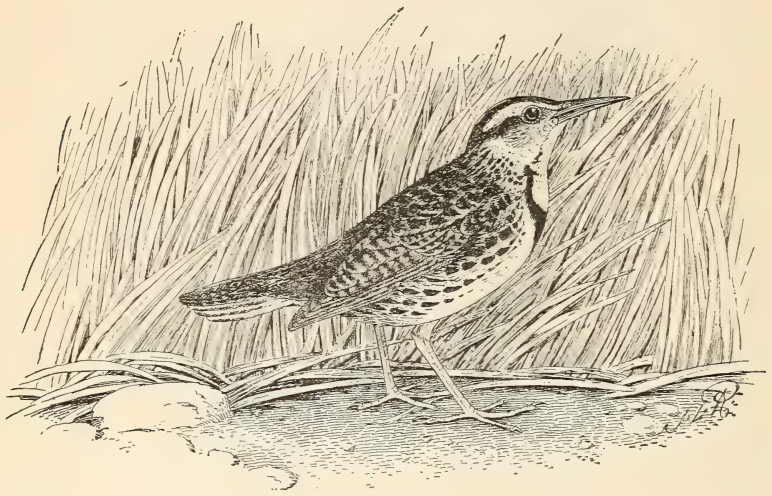

FIG. 5.—Meadowlark (*Sturnella magna*).

In summing up the record of the meadowlark, two points should be especially noted: (1) The bird is most emphatically an insect eater, evidently preferring insects above all other food; and (2) in default of its favorite food it can subsist on a vegetable diet."[1]

Professor Beal made an examination of 238 stomachs, and reported that the contents comprised about 27 percent vegetable matter and 73 percent animal matter. In other words, nearly three-fourths of the food of the meadowlark for the year, including the winter months, consists of insects. The vegetable food comprises mainly seeds of weeds, grasses, and a little grain, but the grain, chiefly corn, amounted to only 14 percent. No sprouting corn was found in any stomach, and no grain of any kind was found in stomachs taken in summer; the largest quantity was eaten in January, when other food was scarce.

[1] Yearbook Dept. Agr., 1895, pp. 420 and 426.

Among the insects taken at various times during the year, grasshoppers, locusts, and crickets are by far the most important, since they averaged 29 percent of the food. Of the 238 stomachs examined, 178 contained grasshoppers, and 37 of these insects were found in a single stomach. In August stomachs they constituted 69 percent of the food. Beetles, which stand next in importance to grasshoppers, included chiefly May beetles (Scarabæidæ), snout-beetles or weevils (Rhyncophora), and leaf-beetles (Chrysomelidæ). Caterpillars formed an important element of the food, and ants a small, but fairly constant, item, about 3 percent for the year.

FIG. 6.—Red-winged blackbird (*Agelaius phœniceus*)

BLACKBIRDS.

In the District of Columbia red-winged, or marsh, blackbirds (*Agelaius phœniceus*—fig. 6) are treated as game birds and an open season for shooting them is set apart. The argument is made that on account of the damage they do to grainfields, particularly in the spring and autumn, blackbirds may be kept from becoming too abundant by treating them as game. But it may well be questioned whether this would reduce their numbers as effectually as if they were excluded entirely from protection in localities where they are injurious. Game birds are necessarily protected for a longer or shorter time during the breeding season, while species excepted from protection may be killed at any season. A full account of the food habits of the various blackbirds may be found in Bulletin No. 13 of the Biological Survey.

ROBINS.

In some sections of the South, particularly in New Orleans, all kinds of small birds, even thrushes, are considered legitimate game, and are offered for sale in the markets. According to Prof. H. Nehrling, "one main cause of the fearful decrease of our small migratory birds must be looked for in our Southern States. There, millions of all kinds of birds are killed to satisfy the palate of the gourmand. * * * There is scarcely a hotel in New Orleans where small birds do not form an item on the bill of fare. At certain seasons the robin, wood thrush, thrasher, olive-backed thrush, hermit thrush, chewink, flicker, and many of our beautiful sparrows form the bulk of these victims; but cat-birds, cardinals, and almost all small birds, *even swallows*, can

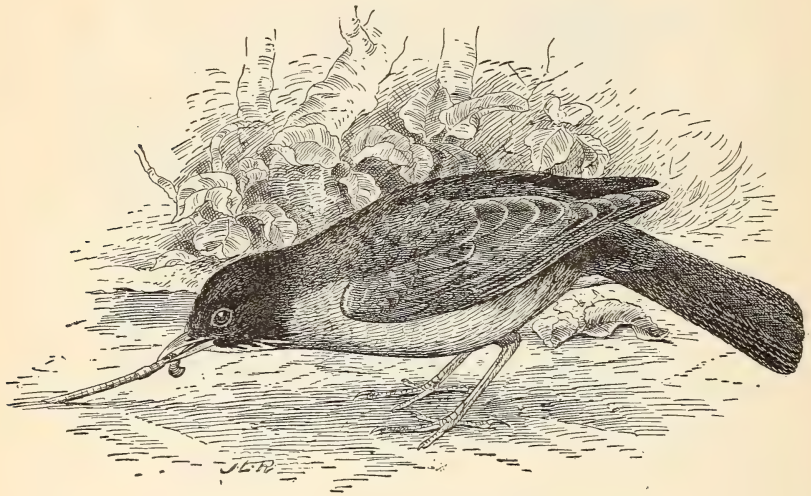

FIG. 7.—Robin (*Merula migratoria*).

be found in the markets."[1] Mr. Andrew Allison, of New Orleans, gives similar testimony: "In the fall migrations, when all the migrants are literal butter-balls, appalling numbers of cat-birds, wood thrushes, red-eyed vireos, king birds, tanagers, and in fact any easily-shot birds are killed * * * near the coast towns. Wood thrushes and cat-birds are more persecuted than any other, under the name of *grassé*, and many are sent to the markets here in September and October."[1]

Robins (*Merula migratoria*—fig. 7) are perhaps more generally killed than any of the other thrushes, and in some States their killing is legalized at certain seasons—for example, in North Carolina, from October 15 to April 1. A few years ago large numbers of robins were

[1] See W. T. Hornaday, 2d Ann. Rept. N. Y. Zool. Soc., p. 86, 1898.

shipped to the markets of Washington, D. C., from various points in Virginia and North Carolina. In the spring of 1897 no less than 2,700 were received in one lot. These birds were killed near roosts just before the northward migration set in; fortunately their sale could be stopped in the District of Columbia, but their killing at this season was lawful in North Carolina.

It seems hardly necessary to call attention to the insectivorous habits of robins; but a few details may add emphasis. In an examination of 330 stomachs,[1] 42 percent of the food was found to consist of animal matter, chiefly insects, while the remainder was made up largely of small fruits or berries. Grasshoppers, caterpillars, and beetles composed the principal part of the insect food, grasshoppers forming nearly 30 percent of the total food in the month of August. The vegetable element, 58 percent, was largely composed of wild fruits, which had been eaten in nearly every month. Cultivated fruit was found in small amounts, chiefly in stomachs collected in June and July, but the depredations of the birds seemed to be confined mainly to smaller and earlier fruits, and as Professor Beal has shown, the damage thus done may be obviated by planting wild fruits, which the birds prefer to cultivated varieties.

INSECTIVOROUS AND SONG BIRDS.

An examination of the various State laws shows that definitions of non-game birds accorded protection are in most cases very loose. The matter of definition is a difficult one in view of the fact that the number of birds now recognized in North America is over 1,100, and that the list of even so small a State as Rhode Island (with an area of only about 1,000 square miles) contains no less than 291[2] species, while 374 species are known to occur in Colorado[3] and 415 in Nebraska.[4]

Attempts are often made to name the more important birds (as in the case of the Alabama law, which enumerates 50 species), but it is obviously impracticable to name all, and the common practice is to mention a few and to include the others under such general terms as 'insectivorous,' 'song,' or 'useful' birds. Georgia depends entirely on the term 'insectivorous or song birds' and Missouri likewise prohibits the killing of 'any wild song bird or insectivorous bird,' without mentioning species. Other States extend their lists of protected species by the terms 'other harmless birds' (Iowa, Minnesota, and Wisconsin), 'any other of the small birds known as singing birds'

[1] Beal, Farmers' Bulletin 54, p. 38, 1897.

[2] Howe and Sturtevant, Birds of Rhode Island, 1899. This number does not include the introduced English sparrow.

[3] Cooke, Bull. 44, Colo. Agr. Expt. Station, p. 150, 1898.

[4] Bruner, Some Notes on Nebraska Birds, p. 49, 1896.

(Montana), 'any other bird whose habits are not essentially predatory upon and destructive of the agricultural products of man' (West Virginia), 'birds of like nature that promote agriculture and horticulture by feeding on noxious worms and insects, or that are attractive in appearance or cheerful in song' (Nebraska). Only one State, South Carolina, distinctly limits the term to 'any bird whose *principal* food is insects.'

Probably less than two-thirds of the North American birds are, strictly speaking, insectivorous, and a much smaller proportion are properly song birds. Beside the four orders of perching birds (Passeres), swifts and hummingbirds (Macrochires), woodpeckers (Pici), and cuckoos (Coccyges), which comprise a little more than 600 species, few groups contain many species which can be considered insectivorous. Even a liberal interpretation of the term excludes more than one-third of the birds unless they are protected by some additional clause, such as 'plume birds,' which is adopted in the Florida statute to cover herons, ibises, cranes, and curlews.

In the report of the New Jersey Fish and Game Commission for 1899, some objections to the indefinite term 'insectivorous' are stated as follows:

> The question naturally arises as to what constitutes an insectivorous bird. Is a bird to be regarded as insectivorous which feeds on insects for two or three weeks every year? Under the provisions of the present law persons might be prosecuted for killing shore birds, for these feed to a great extent on aquatic insects, and the prosecution against a person for having killed reedbirds during the open season would result in a conviction, for the reedbirds destroy insects in large numbers, and the prohibition of the law against killing insectivorous birds is certainly sweeping.[1]

Although this is doubtless an extreme, if not erroneous, interpretation of the phrase, it shows the objection to the use of this term unless qualified in some such way as in the South Carolina statute. But the chief objection is that the definition is vague and instead of going too far, does not *go far enough*, and thus fails to cover a large number of birds which are as worthy of protection as those which depend mainly on insects for food.

Inasmuch as game birds constitute but a small proportion of the avifauna of any State, it seems more reasonable to enumerate them and extend protection to *all others*, as is now the practice in some States (see pp. 63, 67, 82). This may be done quite briefly by following the groups or families and orders into which ornithologists combine various species. Of the 17 orders of North American birds shown in the table on page 25, only 4 (marked with an asterisk) include true game birds and but 4 others species which are properly insectivorous, so that by defining game birds, as suggested by the American Ornithologists'

[1] See Forest and Stream, LIV, pp. 9–10, January 6, 1900.

Union, the statement regarding the protection of the others may be reduced to a few words, as follows: *Any wild bird, other than a game bird*, excepting the English sparrow (and such other species as may be considered injurious).

Orders of North American birds.

[The orders marked with an asterisk (*) are the only ones which include game birds proper.]

Order.	Birds.	Species and subspecies.[1]
Pygopodes	Grebes, loons, and auks	37
Longipennes	Jaegers, gulls, and terns	50
Tubinares	Albatrosses, shearwaters, and petrels	41
Steganopodes	Gannets, cormorants, and pelicans	24
*Anseres (Anatidæ)	Ducks, geese, and swans	64
Odontoglossæ	Flamingos	1
Herodiones	Herons, bitterns, ibises, etc	24
*Paludicolæ[2]	Cranes, rails, and coots	22
*Limicolæ	Shore birds	76
*Gallinæ	Pheasants, grouse, and quail	45
Columbæ	Pigeons and doves	15
Raptores	Birds of prey: Buzzards, hawks, and owls	94
Psittaci	Parrots	1
Coccyges	Cuckoos, anis, and kingfishers	13
Pici	Woodpeckers	43
Macrochires	Goatsuckers, swifts, and hummingbirds	34
Passeres	Perching birds	540
Total		1,124

[1] Corrected to include the ninth supplement of the American Ornithologists' Union Check List, 1899.
[2] Comprises three families, Gruidæ, Aramidæ, and Rallidæ, of which only the last (containing 18 of the 22 species and subspecies) is included in the list of game birds.

PLUME BIRDS.

The general term 'plume birds' is here used to include not only the herons, which are killed for their nuptial plumes, but a number of water birds which are used for decorative purposes, such as pelicans, terns, gulls, and grebes. The snowy heron furnishes the well-known aigrettes; pelicans supply quills and breasts; gulls and terns are worn in great numbers on hats; while grebes' breasts, besides being used for trimming hats, are also made into muffs, collarettes, and capes. There is an enormous demand for plume birds by the millinery trade in years when they are in fashion, and the localities where the birds breed are scoured by hunters, who find a ready market for the skins at prices varying from 10 to 50 cents apiece.[1] As these birds all nest in colonies, it is a simple matter to destroy large numbers on the breeding grounds; and so thoroughly is the work done that some of the species,

[1] Bird Lore, II, p. 66, April, 1900.

particularly the egrets and terns, have been almost exterminated along the southern and eastern coasts of the United States.[1]

The value of herons, terns, and grebes is not generally appreciated, and even the services of the gulls as scavengers are recognized in comparatively few places. As a result, birds of plume being neither game, song, nor 'insectivorous,' are not protected by ordinary game laws unless by chance they happen to be mentioned in the list of protected species. Thus, by a curious perversity of circumstances, the species which are killed most mercilessly and in the greatest numbers are the very ones which are accorded the least protection.

Plume birds as well as insectivorous birds are protected in States which have comprehensive laws prohibiting the killing of all birds except game birds and certain designated species commonly considered injurious. But these States are few in number, and include only Arkansas, Illinois, Indiana, Massachusetts,[2] New York,[3] Rhode Island, and Vermont and also the Provinces of Manitoba and Ontario.

The only States that have special legislation for plume birds are Florida and Texas. In her law of 1877, Florida prohibited the destruction of nests, eggs, or young of any sea bird or bird of plume under a fine not exceeding $20; two years later she made the killing of any 'birds for the purpose of obtaining plumes' by persons who were not citizens of the United States a crime punishable by a fine of not more than $100. Later, in 1891, the killing of cranes, egrets, ibises, curlews, or herons for purposes of sale, or the purchasing or trading in such birds, was made a misdemeanor punishable by a fine not exceeding $300.[4] The plume-bird law of Texas, enacted April 13, 1891, declares the killing of sea gulls, terns, shearwaters, egrets, herons, and pelicans a misdemeanor, punishable by a fine of from $5 to $25.[5]

In addition to these two States, Maine has recently enacted a special law protecting terns; Maryland protects both gulls and terns; New Jersey and Pennsylvania protect these and similar birds under the term 'web-footed wild fowl;' Michigan, under the term 'wild waterfowl;' Minnesota and Wisconsin, under 'aquatic fowl;' while Michigan,

[1] For an account of the slaughter of herons in the South, see Scott, Auk, IV, pp. 135, 213, 273, 1887; Chapman, Handbook Birds East. N. Am., p. 134, 1895. On the extermination of terns, see Chapman, ibid., p. 82; Bird Lore, I, pp. 205–206, December, 1899. On the destruction of grebes, see Bailey, Bird Lore, II, p. 34, February, 1900.

[2] In Massachusetts exceptions are made in the case of gulls and terns, which are protected only from May to September, inclusive.

[3] In New York the protection of gulls and terns is practically reduced to four months by the clause which prohibits the killing of 'web-footed wild fowl' only between the last day of April and the last day of August; exceptions are also made in the case of grebes and bitterns, which are protected only during the same period.

[4] Rev. Stat., 1892, secs. 2755–2756; Appendix, chap. 4050.

[5] Rev. Stat., 1895, Penal Code, p. 100.

Oregon, Utah, and Virginia include gulls in the list of protected species. The scope of these laws may be illustrated by the following table:

Plume birds protected in various States.

[The × indicates the bird to which the State law applies.]

States.	Grebes.	Gulls.	Terns.	Pelicans.	Egrets.	Remarks.
Arkansas	×	×	×	×	×	Wild birds.[1]
California		×				Local acts for Santa Monica and Santa Barbara County, and about San Francisco Bay.
Florida[2]					×	
Illinois	×	×	×	×	×	Wild birds.
Indiana	×	×	×	×	×	Do.
Maine			×			
Maryland		×	×			
Massachusetts	×	×	×	×	×	Gulls and terns only 5 months.
Michigan	×	×	×	×		Gulls specifically and the others under wild waterfowl.
Minnesota	×	×	×	×		Aquatic fowl for 8 months.
New Jersey		×	×	×		Web-footed wild fowl for 4 months.
New York	×	×	×	×	×	Grebes and web-footed wild fowl for 4 months.
Oregon		×				
Pennsylvania		×	×	×		Web-footed wild fowl for 4 months.
Rhode Island	×	×	×	×	×	Wild birds.
Texas		×	×	×	×	
Utah		×				
Vermont	×	×	×	×	×	Do.
Virginia		×				Protected until September 1.
Wisconsin	×	×	×	×		Aquatic fowl for 8 months.

[1] The term 'wild birds' indicates that the law prohibits the killing of *any wild birds* other than game birds and certain excepted species, thus including birds of plume.

[2] No plume birds can be killed by persons who are not citizens of the United States.

In the absence of State laws, protective legislation is occasionally secured through county boards of supervisors, which have authority in some States to make ordinances covering such matters. Thus, in California, although the State passed a special act prohibiting the killing of gulls near Santa Monica, Los Angeles County, it has no general law protecting these birds. Santa Barbara County, however, passed a special ordinance on October 3, 1899, prohibiting the killing of eagles, gulls, terns, and pelicans, which should effectually protect these birds within the limits of this county. Gulls are also protected in a few other localities, as about San Francisco Bay.

A few States have more comprehensive laws for the protection of nests and eggs than for birds. Thus, Florida protects only cranes, egrets, ibises, curlews, and herons, but forbids the destruction of the nest, eggs, or young of *any sea birds* or birds of plume. Maine

protects no plume birds except terns, but forbids the destruction of the nests, eggs, or young of 'any wild bird,' with certain exceptions, thus protecting the young of gulls and grebes as well as terns. Delaware, Kentucky, and Louisiana likewise, which make no effort to protect plume birds, have similar laws prohibiting the destruction of nests or eggs of 'any wild bird,' and thus extend protection to the nests of grebes, gulls, and terns.

The following list of references has been prepared to facilitate consultation of the various State laws relating to plume birds:

Arkansas: Acts, 1897, XLI, sec. 1, p. 53 (wild birds).
California: Penal Code, 1897, p. 563, sec. 1 (gulls at Santa Monica).
Delaware: Rev. Stat., 1893, Ch. LV, sec. 6 (nests or eggs of any bird).
Florida: Rev. Stat., 1892, p. 847, sec. 2755 (nests, eggs, or young of sea birds or birds of plume); p. 992, sec. 1 (cranes, egrets, ibises, curlews, and herons).
Illinois: Laws, 1899, p. 224, sec. 3 (wild birds).
Indiana: Thornton's Rev. Stat., 1897, sec. 2243 (wild birds).
Kentucky: Statutes, 1894, sec. 1948 (nests or eggs of any wild bird).
Louisiana: Rev. Laws, 1897, p. 247, sec. 5 (nests or eggs of any wild bird).
Maine: Pub. Laws, 1899, ch. 42, sec. 12, p. 35 (nest, eggs, or young of any wild bird[1]); ch. 116, p. 119 (terns).
Maryland: Laws, 1898, ch. 206, sec. 15H. (gulls and terns [mackerel gulls]).
Massachusetts: Supplement Pub. Stat., 1888, ch. 276, secs. 2 and 4 (wild birds).
Michigan: Pub. Acts, 1897, p. 202, sec. 20 (gulls).
Minnesota: Laws, 1899, ch. 242, sec. 10, p. 275.
New Jersey: Gen. Pub. Laws, 1895, Ch. CCLV, sec. 8, p. 476 (nest or eggs of *any* wild bird); Laws, 1900, ch. 73, sec. 5 (web-footed wild fowl).
New York: Laws, 1900, ch. 20, sec. 20 (web-footed wild fowl); sec. 30 (grebes).
Oregon: Gen. Laws, 1895, p. 97, sec. 27 (gulls).
Pennsylvania: Act of May 17, 1883, sec. 1 (web-footed wild fowl).
Rhode Island: Laws, 1900, ch. 746, sec. 2 (wild birds).
Texas: Rev. Stat., 1895, Penal Code, art. 519, p. 100 (sea gulls, terns, shearwaters, egrets, herons, and pelicans).
Utah: Laws, 1899, ch. 26, sec. 22, p. 42 (gulls).
Vermont: Stat., 1894, p. 829, sec. 4614 (wild birds).
Virginia: Code, 1887, p. 520, sec. 2079 (gulls or 'strikers').
Wisconsin: Acts, 1899, ch. 267, sec. 1 (any aquatic fowl except geese).

BIRDS OF PREY.

In view of the widespread prejudice against birds of prey, it is perhaps not surprising that comparatively little protection is given them. Only a few years ago several States endeavored to exterminate hawks and owls by means of bounties,[2] and although most of the bounties have been withdrawn, protection is still withheld even in States which have the most comprehensive laws. The list of species exempt from protection on pages 36–37 indicates how generally hawks and owls are still held in disfavor.

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[1] Except herons, etc. (see p. 66).

[2] For a brief review of bounty legislation in the United States, see Palmer, Yearbook Dept. Agr., 1896, pp. 58–59; Yearbook Dept. Agr., 1899, pp. 279–282.

A hasty examination of the various State laws will show that the tide of popular prejudice has, however, begun to turn, and some effort is now being made to distinguish the useful from the injurious birds of prey. Nine States and the District of Columbia protect turkey buzzards, three States forbid the killing of eagles, one protects fish hawks, while one prohibits the killing of any hawks or owls. In addition, buzzards, owls, and certain hawks are included by implication in the list of species protected in Illinois, Minnesota, and New York.

It is somewhat surprising that the value of turkey buzzards is not more generally recognized. They are specifically protected in Maryland, the District of Columbia, Virginia, West Virginia, South Carolina, Texas, Oklahoma, Colorado, and Wyoming, but protection should be accorded them by all the States in the South and Southwest as well as the Territories of Arizona and New Mexico. According to Chapman,[1] "their services as scavengers are invaluable." The work of these birds at Charleston, S. C., is well known, and the high estimation in which they are there held is shown by the fact that a fine of $10 apiece is imposed for killing them. The penalty in Texas ranges from $5 to $15, but about one-fourth of the counties in the State are exempt from the operation of the law. The term 'turkey buzzard' includes not only the true turkey buzzard (*Cathartes aura*), but also the black vulture or carrion crow (*Catharista urubu*), which is found in the South Atlantic and Gulf States, where the two species often associate together. The laws of Texas and Virginia are apparently the only ones which distinguish the two species and mention, the one, the 'carrion crow' and, the other, the 'black buzzard' in addition to the turkey buzzard.

The protection of eagles is probably based on sentimental rather than economic grounds, and is inspired by a desire to insure against extermination the bird which has been adopted as the national emblem. Ohio includes eagles in its list of protected species and Connecticut protects them by a special law, while New Hampshire has prohibited the killing of any bald eagles before 1902 under a penalty of $40.

In the protection of hawks and owls nearly all the States are noticeably conservative, and few mention these birds in the list of protected species. Illinois extends protection to all birds with the exception of 'chicken hawks' and a few other species, New York to 'wild birds' except hawks and a few others, and Minnesota to 'harmless birds' except hawks, crows, blackbirds, and English sparrows. Rhode Island extends protection to fish hawks, while Utah is the only State which goes so far as to protect all hawks and owls.

In reality, so far from being injurious, the great majority of the birds of prey in the United States are decidedly beneficial. Of the 90

[1] Birds Eastern N. Am., p. 192, 1895.

species which occur north of Mexico, about 17 consist of stragglers or of subspecies of little importance from an economic standpoint. Of the 73 important species and subspecies, only 6 have been shown to be actually injurious, viz, the sharp-shinned hawk (*Accipiter velox*), Cooper's hawk (*Accipiter cooperi*), goshawk (*Accipiter atricapillus*), duck hawk (*Falco peregrinus anatum*), pigeon hawk (*Falco columbarius*), and great horned owl (*Bubo virginianus*).[1] On the other hand, some of the species are decidedly useful as insect destroyers. Two of the large hawks commonly included under the term 'chicken hawk'—Swainson's hawk (*Buteo swainsoni*) and the red-shouldered hawk (*Buteo lineatus*)—feed largely on insects, and the former bird destroys immense numbers of grasshoppers when such food is available. In an examination of 18 stomachs of Swainson's hawk, 8 were found to contain insects, and no poultry or birds were found in any; while of 220 stomachs of the red-shouldered hawk, 92 contained insects and only 15 poultry or birds. A still more striking example of grasshopper-eating proclivities is that of the sparrow hawk—one of our most useful birds. In referring to this species, Dr. Fisher says:

> The subject of the food of this hawk is one of great interest, and considered in its economic bearings, is one that should be carefully studied. The sparrow hawk is almost exclusively insectivorous, except when insect food is difficult to obtain. In localities where grasshoppers and crickets are abundant these hawks congregate, often in moderate-sized flocks, and gorge themselves continuously. Rarely do they touch any other form of food until, either by the advancing season or other natural causes, the grasshopper crop is so lessened that their hunger can not be appeased without undue exertion. Then other kinds of insects and other forms of life contribute to their fare. Beetles, spiders, mice, shrews, small snakes, lizards, or even birds may be required to bring up the balance.[2]

The diet of these species would seem to entitle them to rank as insectivorous, but it is doubtful whether the State laws protecting insectivorous birds contemplated including any birds of prey under that term.

LISTS OF SPECIES PROTECTED IN EACH STATE AND IN THE CANADIAN PROVINCES.

For convenience in comparison, the lists of birds protected under various State laws have been brought together in tabular form. But as these State lists have little uniformity (see pp. 56–84), it has been necessary to adopt some definite order of sequence, and for this reason the species have been rearranged in accordance with the Check List of the American Ornithologists' Union. Although the enumeration

[1] For a full discussion of the food of hawks and owls, based on an examination of nearly 3,000 stomachs, see A. K. Fisher, 'Hawks and Owls of the United States', Bull. 3, Div. Ornith. and Mamm., 1893; 'Hawks and Owls from the Standpoint of the Farmer', Yearbook Dept. Agr., 1894, pp. 215–232.

[2] Bull. Hawks and Owls, p. 116.

under different States is yet far from uniform, still this plan has the advantage of bringing related birds together; certain species, like birds of prey, woodpeckers, and whippoorwills, if mentioned at all in the law, will usually be found near the beginning of each of the lists here given, while certain others, such as thrushes, robins, and bluebirds, will be found at the end.

Local names have been carefully preserved, so that the same bird often appears under several designations, as 'wake-up' or 'yellow hammer' for flicker, and 'chewink,' 'joree,' 'joewink,' or 'ground robin' for towhee. The penalties fixed by law for killing birds or destroying nests or eggs show nearly as much diversity as the lists of species. Some States impose the same penalty for both offenses, others have none for the destruction of eggs, while still others impose heavier penalties for destruction of eggs than for the killing of birds, and protect more species. With one or two exceptions, the fines vary from $1 to $100, but are usually less than $25. In Florida a violation of the plume-bird law is punishable by a fine not exceeding $300, or imprisonment not exceeding six months, at the discretion of the court.

List of species protected in each State and in the Canadian Provinces, with penalties for killing the birds and destroying nests and eggs.*

State or Territory.	Species protected.	Penalties.	
		Birds.	Eggs.
Alabama	Tilcup, kildee, turtle dove, cuckoo, rain crow, hairy woodpecker, downy woodpecker, pileated woodpecker, red-headed woodpecker, red-bellied woodpecker, whippoorwill, nighthawk, swift, hummingbird, phœbe bird, pewee, shore lark, cowbird, starling or bunting, meadowlark, fieldlark, oriole, grackle, finch, linnet, sparrow, American sparrow, hair bird, snowbird, chewink, redbird, grosbeak, indigo bird, blue finch, joree, tanager, martin, swallow, shrike, vireo, warbler, yellowbird, chat, redstart, mockingbird, catbird, wren, nuthatch, titmouse, chickadee, gnatcatcher, thrush, robin, bluebird, or any bird of song.	Not less than $10.	Not less than $50.
Arizona	Dove	Misdemeanor.	Misdemeanor.
Arkansas	All wild birds (other than game birds, English sparrow, hawks, eagles, owls, and other birds of prey, crow, blackbirds).	$3 to $10	$3 to $10
California	Hummingbird, English skylark, canary, mockingbird, thrush, robin.	$20 to $500	$20 to $500
	Blue crane	$50 to $100	$50 to $100
Colorado	Turkey buzzard, whippoorwill, kingbird, raven, crow, bobolink, red-winged blackbird, lark, oriole, finch, sparrow, snowbird, song sparrow, martin, swallow, mockingbird, wren, thrush, robin, other insectivorous birds.	$10 to $300	.....

* For convenience in reference, the species have been arranged in a uniform order, according to the Check List of the American Ornithologists' Union, but the common names have been strictly followed in all cases.

List of species protected in each State and in the Canadian Provinces, etc.—Continued.

State or Territory.	Species protected.	Penalties.	
		Birds.	Eggs.
Connecticut	Eagle	$25 to $50	
	Woodpecker, whippoorwill, nighthawk, chimney swift, hummingbird, flycatcher, phœbe, bobolink, Baltimore oriole, purple finch, sparrow, rose-breasted grosbeak, indigo bird, scarlet tanager, martin, swallow, cedar bird, vireo, warbler, yellowbird, catbird, wren, creeper, nuthatch, titmouse, chickadee, kinglet, thrush, robin, bluebird, other song or insectivorous birds.	$1	$1
Delaware	Woodpecker, sapsucker, flicker, wakeup, whippoorwill, nighthawk, hummingbird, skylark, oriole, ground robin, redbird, martin, swallow, yellowbird, mockingbird, catbird, wren, thrush, robin, bluebird.	$1	*$1
District of Columbia.	Turkey buzzard, woodpecker, sapsucker, whippoorwill, hummingbird, pewit, blue jay, oriole, hanging bird, crow blackbird, goldfinch, cardinal, martin, swallow, mockingbird, catbird, wren, wood robin, robin, bluebird, and other insectivorous birds.	$5	$5
Florida	Ibis, heron, egret, crane, curlew	†$300	‡$20
Georgia	Insectivorous or singing birds	Misdemeanor.	Misdemeanor.
Illinois	Wild birds (other than game birds, English sparrow, chicken hawks, crows, or crow blackbirds).	$5	$5
Indiana	Wild birds (other than game birds, English sparrow, hawks, and other birds of prey, or crows).	$10 to $50	$10 to $50
Iowa	Sandpiper, turtle dove, whippoorwill, nighthawk, bobolink, lark, blackbird, finch, linnet, snowbird, martin, swallow, catbird, wren, thrush, robin, bluebird, and other harmless birds.	$1 to $25	$1 to $25
Kansas	Turtle dove, yellow-hammer, blue jay, oriole, meadowlark, redbird, mockingbird, thrush, robin, bluebird.	$5 to $100	
Kentucky	Woodpecker, flicker, meadowlark, oriole, redbird, finch, tanager, martin, swallow, catbird, thrush, bluebird, and other song or insectivorous birds.	$5 to $25	$5 to $25
Louisiana	Whippoorwill, nighthawk, oriole, blackbird, finch, sparrow, swallow, mockingbird, bluebird, and any song bird.	$5 to $25	$5 to $25
Maine	Tern	$1 to $10	
	Woodpecker, oriole, lark, sparrow, swallow, robin, and other insectivorous birds.	$1 to $5	$1 to $10
Maryland	Herring gull, mackerel or other gull, turkey buzzard, sapsucker, whippoorwill, hummingbird, pewit, blue jay, lark, oriole, goldfinch, sparrow, joewink, redbird, indigo bird, martin, swallow, cedar bird, yellow-breasted chat, mockingbird, catbird, wren, thrush, wood robin, red-breasted robin, bluebird.	$1 to $5	$5 to $25
Massachusetts	Wild birds (other than game birds, English sparrow, certain fresh-water and sea fowl, birds of prey, crows, jays, and crow blackbirds).	$10	$10

* "Or destroy the eggs or nest of any of the aforesaid birds, or *any other birds* except hawks, owls, crows, and English sparrows."

†Not more than amount stated.

‡ Eggs or young of sea or plume birds.

List of species protected in each State and in the Canadian Provinces, etc.—Continued.

State or Territory.	Species protected.	Penalties.	
		Birds.	Eggs.
Michigan	Sea gull, woodpecker, whippoorwill, nighthawk, bobolink, lark, oriole, finch, martin, swallow, yellowbird, catbird, brown thrasher, wren, thrush, robin, bluebird, or any song or insectivorous bird.	$10 to $125	
	Mourning dove	$5 to $100	
Minnesota	Whippoorwill, nighthawk, bobolink, lark, finch, linnet, martin, swallow, catbird, wren, thrush, robin, bluebird, and any other harmless bird.	$10 to $25	$10 to $100
Mississippi	Turtle dove, starling or fieldlark (March 1 to September 15).	$5 to $25	*$1 to $25
	Mockingbird, catbird, thrush, or nest of any wild bird (except English sparrow, hawks, owls, and other birds of prey, blue jay, crow, and blackbirds).	$1 to $10	*$1 to $25
Missouri	Wild song birds or insectivorous birds	$10 to $50	$10 to $50
Montana	Stork, woodpecker, meadowlark, oriole, goldfinch, snowbird, cedar bird, mockingbird, thrush, bluebird, and 'other of the small birds known as singing birds.'	$5 to $100	$5 to $25
Nebraska	Turtle dove, cuckoo, woodpecker, yellow-hammer, kingbird, jay, bobolink, lark, oriole, sparrow, swallow, yellowbird, wren, thrush, robin, bluebird, and other insectivorous or song birds.	$3 to $10	
Nevada	Hummingbird, blue jay, meadowlark, sparrow, martin, mockingbird, catbird, wren, thrush, red breast, robin, bluebird, and any song birds.	$25 to $200	$25 to $200
New Hampshire	Bald eagle	$10	
	Woodpecker, hummingbird, flycatcher, bobolink, lark, oriole, finch, sparrow, bunting, tanager, martin, swallow, vireo, warbler, creeper, nuthatch, thrush, robin, bluebird, and other song or insectivorous birds.	$5	†$2
New Jersey	Woodpecker, whippoorwill, nighthawk, meadowlark, oriole, finch, cardinal, cedar bird, tanager, martin, barn swallow, thrush, robin, and other insectivorous birds.	$20	$20
New York	Wild birds (other than certain specified game birds, English sparrow, crane, hawk, kingfisher, raven, crow, common blackbird, and crow blackbird).	‡$60	$60
North Carolina	Dove, lark, mockingbird, robin	§$10	
North Dakota	Any song bird or insect-eating bird (except certain specified game birds).	§$10	§$10
Ohio	Mouse hawk, eagle, woodpecker, flicker, whippoorwill, hummingbird, flycatcher, pewee or phœbe bird, blue jay, starling, bobolink, redwing, oriole, goldfinch, sparrow, snowbird, chewink, ground robin, redbird, grosbeak, bunting, tanager, purple martin, waxwing, vireo, warbler, redstart, catbird, brown thrasher, wren, creeper, nuthatch, titmouse, chickadee, gnatcatcher, and robin.	$25 to $100	$25 to $100
Oklahoma	Turkey buzzard, martin, swallow, wren, robin, and insectivorous birds.	$25 to $100	

* Twelve counties excepted from section relating to eggs.
† Nests of certain birds only.
‡ Also an additional penalty of $25 for each bird or part thereof (see p. 74).
§ Not exceeding.

List of species protected in each State and in the Canadian Provinces, etc.—Continued.

State or Territory.	Species protected.	Penalties.	
		Birds.	Eggs.
Oregon	Horned lark, meadowlark, oriole, California linnet, American goldfinch, pine linnet, lark finch, snowbird, song sparrow, grosbeak, lazuli finch, tanager, swallow, vireo, warbler, yellow-breasted chat, house wren, winter wren, kinglet, wood thrush, hermit thrush, robin, variegated thrush, bluebird.	$5 to $100	$5 to $100
	Sea gull, meadowlark, mockingbird, Oregon robin (and 12 introduced European birds).	$25 to $200	$25 to $200
Pennsylvania	Least bittern, tiltup, killdeer, cuckoo, hairy woodpecker, downy woodpecker, pileated woodpecker, red-headed woodpecker, red-bellied woodpecker, whippoorwill, nighthawk, swift, hummingbird, phœbe bird, pewee, shore lark, starling, cowbird, meadowlark, oriole, grackle, finch, linnet, sparrow, hair bird, snowbird, chewink, grosbeak, blue finch, indigo bird, bunting, tanager, martin, swallow, shrike, vireo, warbler, yellowbird, chat, redstart, catbird, wren, nuthatch, titmouse, chickadee, gnatcatcher, thrush, robin, bluebird, or any bird of song.	$10	$50
Rhode Island	Wild birds (other than game birds, English sparrow, hawks—except fish hawk—owls, crows, and crow blackbirds).	$20	$20
South Carolina	Turkey buzzard, woodpecker, whippoorwill, hummingbird, flycatcher, lark, oriole, finch, warbler, thrasher, nuthatch, bluebird, and other insectivorous and harmless land birds which are unfit for food.	$10	$10
	Woodpecker, beebird, redbird, nonpareil, swallow, mockingbird, wren, thrush.	$5	$10
South Dakota	Any song bird or insect-eating bird, except crow, blackbirds, and sparrows.	*$10	*$10
Tennessee†	Woodpecker, oriole, sparrow, redbird, mockingbird, catbird, thrush, robin, bluebird, and other song or insectivorous birds.	$2.50 to $5.00	$2.50 to $5.00
Texas	Sea gull, tern, shearwater, pelican, heron, egret	$5 to $25	$5 to $25
	Buzzard or carrion crow, whippoorwill, nighthawk, scissortail, bobolink, linnet, finch, sparrow, redbird, nonpareil, martin, swallow, mockingbird, catbird, wren, thrush, bluebird.	$5 to $15	.....
Utah	Gull, hawk, owl, whippoorwill, lark, snowbird, swallow, thrush, robin, and other insectivorous or song birds.	‡$10	‡$10
Vermont	Wild birds, (other than 10 specified game birds, and certain species considered injurious).	$5	$5
Virginia	Gull or striker, turkey buzzard or black buzzard, starling, cardinal, house martin, mockingbird, brown thrush, wood robin, bluebird.	$10	§$10
Washington	Skylark, meadowlark, goldfinch, wild canary bird, bullfinch, greenfinch, black starling, grosbeak, mockingbird, nightingale, black thrush, gray singing thrush, English robin, red-breasted robin, or other song bird.	$10 to $100	$10 to $100

* Not exceeding. † County legislation only. ‡ Not less than.

§ Nests only, except in the case of gulls, whose eggs are protected after July 20.

List of species protected in each State and in the Canadian Provinces, etc.—Continued.

State or Territory.	Species protected.	Penalties.	
		Birds.	Eggs.
West Virginia	Dove, turkey buzzard, cuckoo, woodpecker, yellow-hammer or flicker, whippoorwill, hummingbird, phoebe bird or pewee, blue jay, redwing, oriole, blackbird, purple grackle, family Fringillidæ or sparrows, finch, crossbill, chewink, redbird or cardinal grosbeak, indigo bird, martin, swallow, warbler, redstart, mockingbird, catbird, wren, nuthatch, titmouse, tit or tomtit, dummock, nightingale, thrush, robin, Hungarian robin, bluebird, and other birds not predatory or destructive to crops.	$2 to $25	$2 to $25
Wisconsin	Turtle dove, whippoorwill, nighthawk, lark, finch, thrush, robin, bluebird, and other harmless birds.	*$50	*†$5
Wyoming	Turkey buzzard, whippoorwill, lark, finch, snowbird, thrush, robin, or other insectivorous birds.	$10 to $50	.....
British Columbia	Gull, bittern, skylark, meadowlark, linnet, chaffinch, English blackbird, thrush, robin, and birds living on noxious insects.	(‡)	(‡)
Manitoba	Any birds (except game birds and certain species considered injurious).	$1 to $20	$1 to $20
New Brunswick	Sea gull, small birds which frequent the fields and woods (except English sparrow, crow, and blackbird).	$5	$5
Newfoundland	Wild or migratory birds (January 12 to August 20)	$25 to $200	.....
Nova Scotia	Sparrow, swallow, robin, other small birds, and birds of song which frequent fields and gardens.	$1	$1
Ontario	Wild native birds (other than game birds, English sparrow, hawks, crow, and blackbirds).	$1 to $20	$1 to $20
Quebec	Cuckoo, woodpecker, whippoorwill, hummingbird, birds known as perchers, kingbird, flycatcher, bobolink, cowbird, grackle, finches (song sparrow, redbird, indigo bird, etc.), goldfinch, grosbeak, swallow, warbler, titmouse, kinglet, grive (robin, wood thrush, etc.).	$2 to $5	$2 to $5

* Not exceeding.
† Eggs or nest of any water fowl or other birds, except crows and English sparrows.
‡ Penalties fixed by lieutenant-governor in council.

SPECIES SPECIFICALLY EXEMPTED FROM PROTECTION.

Twenty-seven States, the District of Columbia, and four Canadian Provinces exempt from protection certain species which are commonly considered injurious. These species include (1) the English sparrow; (2) birds which destroy poultry and game, as certain hawks and owls; (3) birds which destroy grain, as blackbirds, crows, and ricebirds; (4) birds which destroy fish, as loons, fish-eating ducks, herons, and kingfishers. Of these thirty-two[1] States and Provinces, twenty-eight specifically mention the English sparrow, and South Dakota and Quebec virtually include it with other sparrows, thus leaving only two

[1] Including the District of Columbia.

(Nevada and South Carolina) which do not include it in the list of injurious species.

At least nineteen States and Provinces, including those which have the most comprehensive protective laws, except birds of prey. Some withdraw protection from all birds of prey, others only from hawks, still others from 'chicken hawks,' or hawks and owls 'destructive to poultry,' while a few, like Alabama and Pennsylvania, specify particular species, as Cooper's hawk and the sharp-shinned hawk.

Twenty-two States and Provinces exempt birds destructive to grain, particularly the crow, crow blackbird, and ricebird; and eight (mainly in New England and the Middle States) birds considered destructive to fish. Among fish-eating birds, loons are excepted in Maine,[1] Vermont, and Manitoba, certain water fowl in Massachusetts, herons in Maine[1] and Vermont, the green heron and night heron in Alabama and Pennsylvania, bitterns in Vermont and Manitoba, and kingfishers in Alabama, New Jersey, New York, Pennsylvania, Manitoba, and Quebec.

The species exempted by each State are shown in the following list:

List of birds specifically exempted from protection.

State.	Species.
Alabama	English sparrow, green heron, night heron, sharp-shinned hawk, Cooper's hawk, duck hawk, pigeon hawk, barred owl, great horned owl, kingfisher.
Arkansas	English sparrow, hawks, eagles, owls, and other birds of prey, crow, blackbirds.
Connecticut	English sparrow.
Delaware	English sparrow, hawks, owls, crows.
District of Columbia	English sparrow.
Georgia	English sparrow, night hawks, crows, ricebirds, larks, wheat birds.
Illinois	English sparrow, chicken hawk, crow, crow blackbird.
Indiana	English sparrow, hawks, and other birds of prey, crow.
Iowa	English sparrow, blue jay.
Maine	English sparrow, hawks, crow, and the young of loons, herons, and owls.
Maryland	English sparrow, hawks, and other birds destructive to poultry, crow, blackbirds.
Massachusetts	English sparrow, birds of prey, jays, crow, crow blackbird, certain fresh-water and sea fowl.
Michigan	English sparrow, blue jay, blackbirds, butcher bird.
Minnesota	English sparrow, hawks, crow, blackbirds.
Mississippi *	English sparrow, hawks, owls and other birds of prey, blue jay, crow, blackbirds.
Nevada	Linnet (house finch).
New Hampshire	English sparrow.
New Jersey	English sparrow, cranes, hawks, kingfisher, raven, crow, red-winged blackbird, crow blackbirds.
New York	English sparrow, cranes, hawks, kingfisher, raven, crow, common blackbird, crow blackbirds.
Ohio	English sparrow.
Pennsylvania	English sparrow, green heron, night heron, sharp-shinned hawk, Cooper's hawk, duck hawk, pigeon hawk, barred owl, great-horned owl, kingfisher.

*Applies only to nests; not to the birds themselves.

[1] Young only.

List of birds specifically exempted from protection—Continued.

State.	Species.
Rhode Island	English sparrow, birds of prey (except the fish hawk), crow, crow blackbirds.
South Carolina	Hawks, eagles, owls, crow, crow blackbirds, jackdaw (boat-tailed grackle).
South Dakota	Crow, sparrows, blackbirds.
Utah	English sparrow.
Vermont	English sparrow, mergansers, loons, bitterns, blue heron, birds of prey, jays, crow, crow blackbird.
West Virginia	English sparrow.
Wisconsin	English sparrow, crow, blackbirds.
Manitoba	English sparrow, loons, gulls, cormorants, pelicans, mergansers, bitterns, cranes, curlews, wild pigeon, falcons, eagles, hawks, owls, kingfisher, jays, ravens, crow, blackbirds, rusty grackle, purple grackle, shrikes.
New Brunswick	English sparrow, crow, blackbirds.
Ontario	English sparrow, hawks, crow, blackbirds.
Quebec	Wild pigeon, falcons, eagles, hawks, owls, kingfisher, magpie, jays, raven, crow, starlings, sparrows, waxwings (recollets), shrikes.

PERMITS FOR COLLECTING BIRDS AND EGGS FOR SCIENTIFIC PURPOSES.

The rights of ornithologists and bird students should be recognized as well as those of sportsmen. Collecting birds and eggs for scientific purposes under proper restrictions is not only legitimate, but should be encouraged, and failure to recognize and provide for the needs of students retards the progress of natural-history work.

Provisions for collecting specimens have been made by a majority of the States, and should be adopted by all. Twenty-five States, the District of Columbia, and six Canadian Provinces either make an exception in the case of birds collected for scientific purposes or furnish students with permits authorizing the holder to collect under certain conditions for a definite length of time. North Dakota makes it unlawful for anyone, whether resident or nonresident, to kill birds without first obtaining a hunting permit.

These certificates, or permits, are generally issued by some State officer, such as the fish and game commissioner or game warden, on satisfactory evidence that the applicant is a fit person to receive them, the evidence being usually required in the form of testimonials from two well-known scientific men. A minimum age limit is insisted on by certain States: In Massachusetts holders of certificates must be 21, in Maryland, New Jersey, and New York at least 18, while in Illinois, Pennsylvania, and Rhode Island the recommendation of the American Ornithologists' Union is followed, and permits are issued to applicants of 15 years or over. A bond of $100 or $200, signed by two responsible residents of the State or county, is required in Alabama, Colorado, Connecticut, Illinois, Indiana, Minnesota, New Jersey, New York. Ohio. and Pennsylvania, and a small fee varying from $1 to $5

is charged to cover the cost of issuing certificates. Restrictions limiting the time, number of permits issued, and disposition of specimens are also imposed by several States. Certificates are issued for periods varying from two years to a few months—in Indiana and Ohio for two years, in Alabama, Connecticut, Minnesota, New Jersey, New York, and Pennsylvania for one year, in Colorado for three months, and in Illinois until the first of June following date of issue. Maine limits the number of permits in force at one time to ten and Vermont to five. Colorado, Maine, Minnesota, and Wisconsin issue certificates only on condition that the specimens collected shall be exchanged, and not sold or disposed of by gift.

While such permits should be guarded by all necessary restrictions to prevent abuse, still the formality of obtaining them should be as simple as possible and the fees should be within the reach of all deserving students. High fees and large bonds are objectionable for the reason that some persons who are otherwise entirely qualified are unable to comply with these conditions. A nominal fee of $1 should be sufficient to deter many who simply desire a license to shoot and who might apply for the permit if it were to be had for the asking, while the requirement of testimonials from two responsible scientific men will insure the carrying out of the intent of the law. It may well be questioned whether the limitations as to number insisted on by Maine and Vermont are wise, for it might easily happen in a large State that the number of students who desired to collect would greatly exceed the permit limit set by law, while the depletion in the ranks of the birds by such collecting is comparatively trifling. The Committee on Protection of Birds of the American Ornithologists' Union especially recommends that the age limit should *not* be placed higher than 15 years, as this would prevent young students from collecting at a time when they most need encouragement.

The chief requirements of the various States regarding certificates are shown in the following table:

Regulations and permits for collecting birds, nests, and eggs for scientific purposes.

State.	Permits issued by—	Testimonials from—	Fee.	Bond.	Remarks.
Alabama	Probate judge of county.		$5	$100	In force 1 year; applicant must be 15 or over.
California*					
Colorado	Forest, game, and fish commissioner.	Two well-known citizens.	5	100	In force 3 months; applicant must be member of, or accredited by, Natural History Society, specimens can only be exchanged.
Connecticut	President board commissioners of fisheries and game.	Officer Hartford Scientific Society.	1	200	In force 1 year.

*Law not applicable to specimens collected for educational purposes.

Regulations and permits for collecting birds, nests, and eggs for scientific purposes—Con.

State.	Permits issued by—	Testimonials from—	Fee.	Bond.	Remarks.
District of Columbia.	Superintendent of police.	.....	.....	.....	Under restrictions prescribed by Secretary of Smithsonian Institution.
Illinois	County clerk	Two well-known scientific men.	$1	$200	In force until June 1 following date of issue; applicant must be 15 or over.
Indiana	Executive board Indiana Academy of Science.	Two well-known scientific men.	1	200	In force 2 years.
Kansas*	.....	.....	.....	.....	
Maine	Commissioners inland fisheries and game.	.....	5	.....	Licenses limited to 10 at one time; specimens can only be exchanged; no Sunday collecting.
Maryland	State game warden...	.....	.....	.....	Permit issued upon filing application and affidavit; applicant must be 18 or over.
Massachusetts.	Game commissioners, or president Boston Society of Natural History.	.....	.....	.....	Applicant must be of age.
Michigan	State game and fish warden.	.....	.....	.....	
Minnesota	Board game and fish commissioners.	Two well-known scientific men.	2	100	Applicant must be member of, or accredited by, scientific society; specimens can only be exchanged; in force 1 year.
Montana†	.....	.....	.....	.....	
Nevada*	.....	.....	.....	.....	
New Hampshire. ‡	.....	.....	.....	.....	
New Jersey....	Board fish and game commissioners.	Two scientific men ...	1	200	In force 1 year; applicant must be 18 or over; bondsmen must be property holders of the State.
New York	Any incorporated society of natural history in the State or regents University of New York.	Two well-known scientific men.	1	200	In force 1 year; applicant must be 18 or over.
North Dakota .	County auditor.....	.....	75 cts.	.....	In force until Dec. 31 following date of issue; nonresident fee, $25.
Ohio.....	President fish and game commission.	Two well-known scientific men or teachers of science.	1	100	In force 2 years.
Pennsylvania .	Board game commissioners.	Two well-known scientific men.	5	100	In force 1 year; applicant must be 15 or over.

* Law not applicable to specimens collected for scientific purposes.

† Law not applicable to specimens collected under direction of any State educational institution.

‡ Law not applicable to specimens collected for an educational institution under direction of the curator.

Regulations and permits for collecting birds, nests, and eggs for scientific purposes—Con.

State.	Permits issued by—	Testimonials from—	Fee.	Bond.	Remarks.
Rhode Island	(1) Curator Museum Zoology, Brown University; (2) president Rhode Island College of Agriculture; (3) any incorporated society of natural history; or, (4) any college in the State.				Applicant must be 15 or over.
South Carolina.*					
Texas †					
Vermont	Fish and game commissioners.				Permits limited to 5 in force at one time.
Wisconsin	Fish and game warden.	Well-known scientists.			Applicant must be member of, or accredited by, Society of Natural History or educational institution; specimens can only be exchanged.
British Columbia.‡					
Manitoba	Minister of Agriculture.				
New Brunswick.	Surveyor-General				
Nova Scotia	Provincial Secretary.				
Ontario	Chief game warden				In force to end of calendar year in which issued.
Quebec	Commissioner lands, forests, and fisheries.				Nonresident fee $5 to $25.

* Law not applicable to specimens collected for scientific purposes.
† Law not applicable to specimens of plume birds collected for scientific purposes.
‡ Law not applicable to specimens collected by curator, assistants, or agents of Provincial Museum.

LICENSES AND OTHER REGULATIONS REGARDING SHOOTING.

General regulations regarding shooting belong more properly to a treatise on game laws, but since in some States they are made to cover all birds, they may be considered very briefly in this connection. Their primary object, of course, is game preservation whether by restricting hunting, limiting the number of birds which may be killed in a day or a season or the purposes for which they may be killed, or establishing special close seasons. The system of gun licenses which is strongly advocated by the League of American Sportsmen, and which has been adopted recently in Wyoming for big game, does not seem to have been applied thus far to birds in general. Hunting

licenses, however, are required in North Dakota, where it is unlawful to kill any birds without a permit. A sharp distinction is drawn between residents and nonresidents of the State, for residents may obtain a license for 75 cents, whereas nonresidents must pay $25. In Virginia, nonresidents are prohibited from killing wild fowl below the head of tide water except in Accomac and Northampton counties; and in Missouri they are prohibited from killing certain specified game. Nonresident licenses are required in some of the counties of Maryland, and also in Arkansas, Delaware, Florida, Illinois, South Carolina, South Dakota, West Virginia, and Wisconsin, as well as in British Columbia, Manitoba, Nova Scotia, Ontario, Quebec, and the Northwest Territories. In some States they apply only to game birds; in others they cover all species. The fee ordinarily varies from $10 to $25, but amounts to $50 in British Columbia. Full information on this point, as well as on the manner of obtaining permits, may be found in the various State laws or in 'Game Laws in Brief' (New York, 1900).

Restrictions regarding bags, or the number of birds which may be killed within a specified time, are becoming rather common; and a few States forbid absolutely the killing of certain birds for sale. Non-export clauses, prohibiting the shipment into other States of birds and game protected by local acts, have been incorporated into the game laws of a number of States during recent years, and have been upheld by the Supreme Court of the United States.[1] Thus, Delaware imposes a fine of $5 for each robin, partridge, quail, or woodcock exported; Massachusetts, a fine of $10, and Rhode Island, a fine of $20 for each ruffed grouse, quail, or woodcock shipped out of the State. Kansas, Michigan, Minnesota, Nebraska, New Jersey, Pennsylvania, and Utah also forbid export of game and certain birds.

Regulations as to the manner or time of hunting—as, for example, prohibiting the use of swivel guns or shooting between sunset and sunrise—are confined almost entirely to game birds; but laws governing shooting on Sunday apply equally to birds of all kinds. Nine States, the District of Columbia, and several Canadian Provinces, viz, Alabama, Delaware, Maine, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, District of Columbia, New Brunswick, Ontario, and Newfoundland, prohibit shooting on Sunday, thus making that day in effect a special close season.[2]

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[1] Geer *v.* State of Connecticut, 161 U. S., 519.

[2] References to Sunday laws are as follows: Alabama, Gen. Laws, 1898–99, p. 77, sec. 1; Delaware, Rev. Stat., 1893, Ch. LV, sec. 7, p. 457; District of Columbia, 30 Stat. L., p. 1012; Maine, Laws of 1899, ch. 42, sec. 22, p. 42; Massachusetts, Acts of 1899, ch. 116, p. 57; New Jersey, Laws of 1895, Ch. CCLV, sec. 15, p. 478; New York, Penal Code, sec. 1109; North Carolina, Code of 1883, sec. 2837, p. 236; Ohio, Rev. Stat., 1897, sec. 6961, p. 3198; Pennsylvania, Laws of 1897, No. 103, sec. 1, p. 123; New Brunswick, Laws of 1899, Ch. VIII, sec. 4; Ontario, Laws of 1896, ch. 193, sec. 24; Newfoundland, Act of 1899, sec. 10.

BIRDS IN CAPTIVITY.

State laws generally prohibit the trapping, netting, or snaring of birds, for it is well known that a rapid decrease in numbers, amounting almost to extermination in the case of certain species, would speedily follow the wholesale capture which is possible under these methods. Such restrictions, aimed mainly at market hunters, are intended primarily to insure the preservation of game birds, but they are often needed to protect some of the smaller song or insectivorous species. In the vicinity of some of the larger cities a regular business is carried on in trapping certain native birds which are in demand for pets or cage birds. Mockingbirds, brown thrushes, bobolinks, cardinals, black-headed grosbeaks, indigo birds, nonpareils, housefinches, goldfinches, and others are captured in large numbers for sale.

Ordinarily no objection is made to keeping caged birds as pets, although there may be considerable difference of opinion on the question as regards native birds.[1] But when large numbers are systematically trapped in any locality to supply the trade the practice is very properly condemned, and steps are usually taken to restrict the operations of the bird trappers.

Some State laws are so worded as to prevent the capture of song birds for purposes of domestication or propagation, and in a few instances the matter has been deemed of sufficient importance to warrant making exceptions in favor of owners of captive birds. At least ten States and the Provinces of British Columbia and Ontario have legislated on this point, as follows:

Alabama: "Nothing herein shall be construed to prevent the keeping of song birds in cages as domestic pets." (Gen. Laws, 1898–99, p. 77, sec. 2.)

California: "Every person who, in the State of California, shall at any time hunt, * * * take, * * * buy, sell, give away, or have in his possession, *except for the purpose of propagation*, or for educational or scientific purposes, any English skylark, robin, canary, humming bird, thrush, or mockingbird * * * is guilty of a misdemeanor," provided, however, that the right of possession for the purpose of propagation shall first be obtained by a permit in writing from the board of fish commissioners of the State of California. (Penal Code, 1897, p. 216, sec. 626.)

Iowa: "Nothing herein shall be construed to prevent * * * the keeping of song birds in cages as domestic pets." (Annotated Code, 1897, sec. 2561, p. 888.)

Louisiana: "That no person shall entrap, net, kill, or pursue with such intent, or have the same in possession at any time during the year, any song bird, especially the mockingbird, except domesticated birds, except the birds be entrapped or netted for the purpose of domestication." (Rev. Laws, 1897, p. 247, sec. 6.)

Maryland: "Provided, that it shall be lawful to have mockingbirds or redbirds or other song birds in cages." (Laws of 1898, ch. 206, sec. 15H.)

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[1] For arguments pro and con on 'the question of the ethics of caging birds,' see Bird Lore, I, pp. 158–162, October, 1899.

Michigan: "Nothing in this act shall prevent the taking or catching alive of birds, game or fish for domestication, propagation, or breeding purposes." (Public Acts, 1893, No. 196, sec. 5.)

Minnesota: "But nothing herein contained shall be construed to prevent the keeping of song birds as domestic pets." (Gen. Laws, 1897, ch. 221, sec. 10.)

New Jersey: "That nothing in this act shall be construed to prevent associations or individuals from domesticating or bringing into this State any animals or birds for the purpose of propagating the same, or keeping the same until a reasonable opportunity offers for their release." (Gen. Public Laws, 1895, Ch. CCLV, sec. 16.)

Pennsylvania: "But nothing herein shall be construed to prevent the keeping of song birds in cages as domestic pets." (Laws of 1897, no. 103, sec. 2, p. 124.)

South Carolina: "Provided, that nothing herein contained shall prohibit any person from taking and keeping any bird of song or plumage for his own pleasure or amusement, and not for sale, traffic, or gain." (Rev. Stat., 1893, Vol. II, p. 405, sec. 427.)

British Columbia: "Provided, however, it shall be lawful for the Provincial Secretary, on such conditions as he shall think fit, by writing under his hand, to at any time authorise any person to trap or have in his possession any birds, or take eggs, for breeding or acclimatization purposes." (Stat., 1898, ch. 24, sec. 7.)

Ontario: "Nothing in this act contained shall be held * * * to apply to any imported cage birds or other domesticated bird or birds generally known as cage birds." (Rev. Stat., 1897, ch. 289, sec. 1.)

ENFORCEMENT OF PROTECTIVE LAWS.

To the efforts of private individuals or organizations interested in game protection are primarily due not only the existence, but what is more important, the enforcement of most of the laws now on the statute books. Probably no branch of criminal law depends so much for its enforcement on the interest and public spirit of the individual as that relating to the protection of game and birds. Experience has shown that under ordinary circumstances such measures are apt to become dead letters unless the regular officials charged with enforcing the laws happen to be personally interested in game protection. For this reason special officers, known as game wardens or deputy wardens, are usually employed; and it is customary in many States, in case of conviction, to pay part of the fine to the person instrumental in causing the arrest, as an inducement to bring violators of the game laws to justice.

In the United States regulations for the protection of birds are enforced by several different agencies, both State and private, which may be conveniently arranged in four groups: (1) State fish and game commissions or wardens, supported in twenty-nine States; (2) national organizations, such as the League of American Sportsmen, which has branches in twenty-two States, and the American Ornithologists' Union, which has a special committee on protection; (3) fish and game protective associations—voluntary organizations of enthusiastic and public-spirited sportsmen, which have been formed in many States and which are represented by State associations in at least seventeen; and, (4)

Audubon societies, now represented in twenty-three States.[1] While these different organizations naturally overlap one another in their fields of labor, they work harmoniously for the common cause. The fish and game associations are naturally most active in protecting game birds within their respective States, while the Audubon societies are interested more especially in the protection of birds that are not game. The activities of the latter societies are not necessarily limited by State lines. Efforts are constantly made to extend the work in new fields, and recently the Pennsylvania Audubon Society has done effective work for the protection of insectivorous birds in Delaware. The labors of both game associations and Audubon societies are supplemented by those of the League of American Sportsmen and the committee of the American Ornithologists' Union. The League has a membership of over 2,700, and one of its main objects is the enforcement of game laws; it not only prosecutes violations of State laws, but offers rewards to wardens in any State who secure convictions. The American Ornithologists' Union committee now has a special fund at its disposal which will be devoted this year largely to protecting gulls and terns along the Atlantic coast.

In States where the importance of protection has long been recognized and is strongly supported by public sentiment, fish and game protection is in charge of a board of commissioners and regular wardens are employed by the State to enforce the game laws. New York includes forestry in the duties of its board, and has five commissioners of fisheries, game, and forests, but the majority of the States combine fish and game matters, although a few consider the subjects of sufficient importance to require the attention of separate officials. Thus, Illinois has a State game commissioner, Pennsylvania has a board of seven game commissioners distinct from its fish commission, Rhode Island a board of five commissioners of birds, and North Dakota, Oregon, and Wyoming have special game wardens.

NECESSITY FOR FURTHER STATE LEGISLATION.

In a suggestive paper on "The destruction of our birds and mammals," Mr. William T. Hornaday[2] has made estimates of the decrease in bird life in the United States during the last fifteen years, based on reports from observers in thirty different States.

Such estimates are of course merely matters of opinion, but nevertheless are interesting. Naturally there is a wide range in the opinions of the various observers, and the alleged decrease of birds varies from 10 to 77 percent, while the average for the thirty States is 46 percent. Nebraska shows a decrease of only 10 and Massachusetts of 27 percent,

[1] For a list of these commissions and the more important State associations, with their officers, see Appendix to the Yearbook Dept. Agr., 1899, pp. 710–717.

[2] Second Annual Report New York Zoological Society, p. 95, 1898.

but the percentage runs up to 67 in Texas, 75 in Connecticut, Indian Territory, and Montana, and to 77 in Florida. Evidently existing State laws are defective or are not properly enforced!

Some States and Territories, as Idaho, Alaska, Arizona, Indian Territory, and New Mexico, apparently afford no protection at present to birds other than game; and while the necessity for such legislation may be small in unsettled portions of the West, still it will be more and more urgent as the country becomes developed. Other States which have bird laws on their statute books really afford very little protection, because these laws apply to only a small number of species, are limited to only part of the year, or are restricted to only part of the State. Aside from game birds and the young of sea birds, Florida protects only ibises, herons, egrets, cranes, and curlews; North Carolina only doves, larks, mockingbirds, and robins. Kansas and Virginia name but 10 birds each, and Delaware but 20. Louisiana, while mentioning 8 (whippoorwill, nighthawk, blackbird, oriole, sparrow, finch, swallow, and bluebird), really has a somewhat more extended list, since each of the terms blackbird, oriole, sparrow, finch, and swallow includes a number of species. Alabama, Georgia, North Carolina, and Tennessee treat all birds alike in protecting them for only part of the year, and providing open seasons, as in the case of game, when they can be killed.[1] In exceptional cases, so many counties are exempted from the provisions of a law that the act becomes operative in only a small part of the State. Thus, Texas exempts 56 out of 244 counties from the operation of the act of 1895, so that a comparatively large part of the State is no better off than if there were no bird law (see fig. 8). Alabama exempts 60 out of 66 counties from the act of 1899, and thus the law actually applies to only 6 counties.

Another difficulty lies in the diverse and oftentimes contradictory laws in force in neighboring counties in the same State, as in Maryland, Virginia, and Tennessee. Special county laws[2] have long been popular in Maryland and Virginia, but the Maryland act of 1898 did much to harmonize conflicting game regulations. Mississippi gives county boards of supervisors full jurisdiction over such matters, and her bird protection therefore depends mainly on local regulations. Under the constitution of Tennessee[3] game legislation may be enacted

[1]The open seasons are as follows: Alabama, November 1 to March 1 (except red-headed woodpecker, catbird, pewee, and vireo, which are protected from August 1 to March 1, and mockingbirds which are protected at all seasons); Georgia, November 1 to March 15; North Carolina, October 15 to April 1; Tennessee, varying from three to eight months, according to the county.

[2]New York has special laws for Long Island, Michigan for the Upper Peninsula, and Washington for that part of the State east of the Cascades, but these regulations apply chiefly to game birds. In Canada, also, there are special regulations in Quebec for the two 'zones' into which the Province is divided at the river Saguenay.

[3]Art. XI, sec. 13.

in favor of certain counties or geographical districts, and various sections of the State, availing themselves of this provision, have different laws.

Nowhere are protective measures more needed than in the South and

FIG. 8.—Map of Texas showing counties exempted under law of 1895 (the excepted counties are shaded and numbered):

Angelina, 45.	Coryell, 33.	Lampasas, 34.	San Jacinto, 50.
Archer, 6.	Dimmit, 52.	Lee, 41.	Shelby, 32.
Atascosa, 54.	Franklin, 17.	Lynn, 3.	Stephens, 23.
Bastrop, 48.	Freestone, 35.	Madison, 43.	Taylor, 25.
Brazoria, 51.	Garza, 4.	Mills, 30.	Terry, 2.
Brazos, 42.	Hill, 29.	Nacogdoches, 37	Throckmorton, 10.
Burnet, 39.	Hopkins, 14.	Panola, 21.	Trinity, 44.
Callahan, 26	Jack, 12.	Polk, 47.	Walker, 49.
Camp, 20.	Jackson, 56.	Rains, 18.	Williamson, 40.
Cass, 16.	Jones, 22.	Rockwall, 15.	Wilson, 53.
Cherokee, 36.	Karnes, 55.	Runnels, 27.	Wise, 13.
Clay, 7.	Kaufman, 24	Rusk, 31.	Wood, 19.
Comanche, 28.	Kent, 5.	Sabine, 38.	Yoakum, 1.
Cooke, 8.	Lamar, 9.	San Augustine, 46.	Young, 11.

Southwest, and more especially in the South Atlantic and Gulf States. So many northern birds pass the winter in this part of the United States, and so many resident species begin to breed here early in spring, that it is particularly important to have the laws comprehensive

and rigidly enforced. This question is one of general interest, for migratory birds, even if effectually protected during the breeding season in New England and the Northern and Middle States, may yet be killed to such an extent during their stay in the South as to render protection on their breeding grounds of comparatively little avail. The smaller land birds now receive but little protection during their sojourn in the South, with no applicable laws in Florida, and open seasons in winter in Alabama, Georgia, North Carolina, and Tennessee.

However important it may be to secure protective legislation in States which now have none, or in those which restrict it to a few months of the year, it is almost equally important to amend the imperfect laws of other States in order to render them more effective. The most striking defects of existing legislation have already been discussed, and, as suggested, they may be remedied best by securing greater uniformity. This may be accomplished—

(1) By extending the list of protected species to *all* birds other than game birds and a few specially excepted species.

(2) By removing all insectivorous birds from the game list.

(3) By reducing the list of species excluded from protection.

(4) By restricting special legislation, and as far as possible bringing all the counties in a State under one common law.

(5) By making proper provisions for collecting specimens for scientific purposes.

(6) By harmonizing the penalties for violations of the law.

As a suggestion of what a comprehensive law should be, the text of an act prepared by the American Ornithologists' Union is given in full below. This act was originally prepared and published early in 1886[1] by the Committee on Bird Protection, composed of ten active members of the Union, with the late George B. Sennett as chairman. While it can hardly be expected to meet the needs of all the States without change, it can easily be adapted to local requirements by making the necessary modifications, as suggested under the head of 'Remarks.' This act is not an experiment, for it has been tested in several States, has been adopted almost literally by Illinois and Indiana, and has been in force in the latter State for nearly ten years. Its main features have also been incorporated in the laws of Massachusetts, New York, and Rhode Island, and the provisions regarding permits in those of Colorado, Connecticut, Minnesota, New Jersey, Ohio, and Pennsylvania.

[1] Supplement to Science, No. 160, February 26, 1886.

ACT PROPOSED BY THE AMERICAN ORNITHOLOGISTS' UNION.[1]

An Act for the protection of birds and their nests and eggs.

SECTION 1. No person shall, within the State of ———, kill or catch or have in his or her possession, living or dead, any wild bird other than a game bird, nor shall purchase, offer, or expose for sale any such wild bird after it has been killed or caught. No part of the plumage, skin, or body of any bird protected by this section shall be sold or had in possession for sale. For the purposes of this act the following only shall be considered game birds: The Anatidæ, commonly known as swans, geese, brant, and river and sea ducks; the Rallidæ, commonly known as rails, coots, mud-hens, and gallinules; the Limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tatlers, and curlews; the Gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, and quails.

SEC. 2. No person shall, within the State of ———, take or needlessly destroy the nest or the eggs of any wild bird nor shall have such nest or eggs in his or her possession.

SEC. 3. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and shall be liable to a fine of five dollars for each offense, and an additional fine of five dollars for each bird, living or dead, or part of bird, or nest and eggs possessed in violation of this act, or to imprisonment for ten days, or both, at the discretion of the court.

SEC. 4. Sections 1, 2, and 3 of this act shall not apply to any person holding a certificate giving the right to take birds and their nests and eggs for scientific purposes, as provided for in section 5 of this act.

SEC. 5. Certificates may be granted by [here follow the names of the persons, if any, duly authorized by this act to grant such certificates], or by any incorporated society of natural history in the State, through such persons or officers as said society may designate, to any properly accredited person of the age of fifteen years or upward, permitting the holder thereof to collect birds, their nests or eggs, for strictly scientific purposes only. In order to obtain such certificate the applicant for the same must present to the person or persons having the power to grant said certificate written testimonials from two well-known scientific men, certifying to the good character and fitness of said applicant to be intrusted with such privilege; must pay to said persons or officers one dollar to defray the necessary expenses attending the granting of such certificates; and must file with said persons or officers a properly executed bond, in the sum of two hundred dollars, signed by two responsible citi zens of the State as sureties. This bond shall be forfeited to the State, and the certificate become void, upon proof that the holder of such a certificate has killed any bird, or taken the nest or eggs of any bird, for other than the purposes named in sections 4 and 5 of this act, and shall be further subject for each such offense to the penalties provided therefor in section 3 of this act.

SEC. 6. The certificates authorized by this act shall be in force for one year only from the date of their issue, and shall not be transferable.

SEC. 7. The English or European house sparrow (*Passer domesticus*) is not included among the birds protected by this act.

SEC. 8. All acts or parts of acts, heretofore passed, inconsistent with or contrary to the provisions of this act, are hereby repealed.

SEC. 9. This act shall take effect upon its passage.

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[1] The original wording of the sections 1 and 2 has been modified in accordance with suggestions made by Mr. William Dutcher, and approved by Mr. Witmer Stone, chairman of the committee on protection of North American birds. These sections have been recast and somewhat elaborated, the penalties combined as section 3, but the other sections have been merely renumbered.

REMARKS.

The accompanying law is calculated to protect our birds as effectually as any legislation can, and it is desirable if possible to obtain its passage as it stands.

It is, however, a well-known fact that in many of our States the act would not receive favorable consideration unless modified in several particulars.

* * * It is very desirable that this act be adopted in as nearly the present form as possible, and since revision by persons unfamiliar with bird protection is liable to seriously affect the force of the law, we offer the following suggestions regarding revision when it is unavoidable:

(1st) *Game birds.*—In many States doves are universally classed as game birds, and where the game laws cover their protection during a closed season they may be so classed in section 1 if necessary.

Reed birds and blackbirds may have to be treated in the same way in several States. Robins, flickers, and meadowlarks, however, should not be permitted to be classed as game.

(2d) *Cage birds.*—There is nothing in the law to prevent the keeping of foreign cage birds as canaries, etc.

To keep *native* birds alive for study, etc., a certificate must be secured as per section 5. This is necessary to prevent the traffic in live birds.

(3d) Other birds which may have to be excluded from protection—

Hawks and owls.—The prejudice against these birds is very strong, while the arguments in their favor are well known and conclusive. They should be protected if possible. If nothing better can be done, effect a compromise by excluding Cooper's hawk, goshawk, sharp-shinned hawk, and great horned owl, and protect the rest.

Crows may have to be denied protection; there is about as much evidence for as against them, however.

Shrikes, herons, gulls, and terns should by all means be protected.

(4th) Where it is absolutely necessary to exclude any birds from protection they may be added to section 7, so as not to alter the main text.

(5th) On no account omit sections 4, 5, and 6, as is done in some of the present laws.

With the restrictions placed upon holders of certificates there is no danger of improper persons obtaining them. A small number of birds are required for scientific purposes, and provision should be made for obtaining them as much as for shooting game birds. The fee should be abolished, if possible, and should on no account be more than $1. The age limit should, moreover, *not* be raised above fifteen years.

FEDERAL LEGISLATION.

During the last three years several bills for the preservation of birds have been considered by Congress. The most important of these are the 'Hoar bill,' the 'Teller bill,' and the 'Lacey bill,' all of which were introduced in the Fifty-fifth Congress, but failed to pass, and were reintroduced at the first session of the Fifty-sixth Congress. The Hoar bill was intended to restrict the traffic in birds and feathers, while the others were directed mainly toward the protection of game.

THE HOAR BILL.

The Hoar bill 'for the protection of song birds,' was first introduced in the Senate by Hon. George F. Hoar, of Massachusetts, March 14, 1898,[1]

[1] Cong. Record, XXXI, pt. 3, p. 2757.

and referred to the Committee on the Judiciary. Ten days later, on March 24, it was reported by the committee, with amendments, and passed by the Senate.[1] It was supported by Senator Bacon, who submitted as his remarks the picturesque petition in the name of the birds which had been prepared by Senator Hoar and presented to the legislature of Massachusetts in support of the State act of 1897. (See pp. 11–12.) The bill, however, failed to pass the House before adjournment and was reintroduced in the Senate, in essentially the same form, early in the first session of the Fifty-sixth Congress, on December 12, 1899. It prohibits (1) importation into the United States; (2) transportation from one State to another; and, (3) sale within the Territories or the District of Columbia, of birds or feathers for ornamental purposes. This legislation was aimed directly against the feather trade, and naturally aroused the opposition of the millinery interests. The fear has also been expressed that the clause prohibiting the importation of foreign birds would result in an increased demand for native species, and hence increase, rather than diminish, the destruction of birds in this country. The prohibition of the sale of feathers relates only to Alaska, Arizona, New Mexico, Oklahoma, Indian Territory, and the District of Columbia, and even if strictly enforced here would have little effect so long as such sales were unrestricted elsewhere. The text of the bill as it now stands is as follows:

A Bill (S. 1383) for the protection of song birds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the importation into the United States of birds, feathers, or parts of birds for ornamental purposes, or for any purpose except for food, be, and the same is hereby, prohibited: *Provided, however,* That nothing herein contained shall be construed as prohibiting the importation of birds for museums, zoological gardens, or scientific collections, or the importation of living birds or of feathers taken from living birds without injury to the bird. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

SEC. 2. That the transportation of birds, feathers, or parts of birds, to be used or sold, except such as are excepted in the first section of this Act, from any State or Territory of the United States to or through any other State or Territory of the United States, is hereby prohibited. Whoever shall violate the provisions of this section shall, upon conviction in the district where the offense shall have been committed, be punished for each such offense by a fine of fifty dollars.

SEC. 3. That the sale, keeping, or offering for sale, within any Territory of the United States, or within the District of Columbia, of birds, feathers, or parts of birds, for ornamental purposes, except such as are excepted in the first section of this Act, be, and the same is hereby, prohibited. Whoever shall violate the provisions of this section shall, upon conviction, be punished for each such offense by a fine of fifty dollars.

THE TELLER BILL.

The Teller bill, 'to regulate interstate traffic in wild game,' was first introduced in the Fifty-fifth Congress by Senator Henry M. Teller,

[1] Cong. Record, XXXI, pt. 3, p. 3166; Forest and Stream, L, p. 264, April 2, 1898.

of Colorado, on July 2, 1897,[1] and referred to the Committee on Forest Reservations and the Protection of Game. As originally prepared, it was intended merely to prevent the shipment of deer, elk, antelope, bison, or Rocky Mountain sheep from Colorado, Wyoming, and Utah. Under its provisions any person, railroad or express company, or other common carrier who received such game for transportation, unless the export was permitted by the laws of the State from which the shipment was made, was liable to a penalty of $100 to $1,000.[2] The bill was, however, materially modified a few months later, and reintroduced in the Senate on January 18, 1898. It was broadened so as to prohibit interstate traffic in game killed in violation of local laws from any State or Territory or the District of Columbia, and the game list was considerably extended by including certain specified game birds and 'other waterfowl,' so that it really covered a number of birds. The penalty was also changed so as to conform to section 10 of the Interstate-commerce Act.[3] The bill failed to pass, and was introduced for the third time early in the first session of the Fifty-sixth Congress, on December 15, 1899, and was referred to the Committee on Interstate Commerce. No changes were made in the wording, which was as follows:

A Bill (S. 1680) to regulate the shipment of wild game from one State to another.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any railroad company, express company, or other common carrier, or its officers, agents, or servants, to receive for shipment or transportation, or for any person or corporation to ship or offer to any common carrier for shipment, from any place within any of the States or Territories of the United States or District of Columbia, to any place without any of the States or Territories of the United States or District of Columbia, or to any foreign country, for sale, for market, or for storage, any moose, elk, deer, buffalo or bison, caribou, antelope, mountain sheep, or mountain goats, or any parts thereof, or any wild turkey, prairie chicken, or pinnated grouse, sage hen, Mongolian or ringneck pheasant, grouse, pheasant or partridge, quail, wild goose, duck, brant, swan, woodcock, snipe, rail, plover, or other waterfowl: *Provided*, That nothing herein contained shall prohibit the shipment of any wild game, animals, or birds, or parts of the same that may be expressly authorized or permitted by the laws of the State in and from which the shipment is made, if the same is conspicuously labeled "wild game," on which label shall be stated the kind and quantity of said wild game, animals, or parts of the same, and the date and place of shipment, and the name or names of both the consignor and the consignee, a copy of which label shall be kept on file by the common carrier at the place from which said wild game, animals, or birds, or parts of the same, are shipped.

SEC. 2. That any person or corporation guilty of violating the provision of this section shall, upon conviction, be punished as provided in section ten of the Act to regulate interstate commerce; and the Interstate Commerce Commission is hereby given jurisdiction in the matter of the transportation of game as in other matters affecting traffic between the States.

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[1] Cong. Record, XXX, pt. 2, p. 2198.

[2] Forest and Stream, XLIX, p. 328, October 23, 1897.

[3] Ibid., L, p. 81, January 29, 1898.

THE LACEY ACT.

The Lacey bill was first introduced in the House by Hon. John F. Lacey, of Iowa, on July 1, 1897.[1] Its object was to aid in the propagation and introduction of new or valuable birds, and the work was to be placed in charge of the United States Commission of Fish and Fisheries. The Commission was to be given authority to propagate, distribute, transport, or introduce game and other wild birds, and to collect and publish useful information in regard to them. In this form the bill passed the House on December 19, 1898,[2] but in the Senate it was amended by the addition of the Hoar bill, which had already been acted upon. On January 6, 1899, the combined Lacey-Hoar bill was passed and sent to conference,[3] but was not reported before adjournment.

At the opening of the Fifty-sixth Congress the Lacey bill was reintroduced in the House, but it had been changed so that the work was placed under the Department of Agriculture instead of under the Fish Commission, and interstate traffic in game in violation of State laws was restricted by a section very similar to that in the Teller bill. Again the bill was modified, was reintroduced on January 17, 1900, referred to the Committee on Interstate and Foreign Commerce, and favorably reported with an amendment by the committee on March 1. It was passed by the House by a vote of 141 to 27 on April 30,[4] and was supported by Representatives from thirty-four States. On the following day it was referred to the Senate Committee on Interstate Commerce, favorably reported on May 17, passed by the Senate without amendment on May 18,[5] and approved May 25, 1900.[6]

This act is the broadest and most comprehensive measure of its kind ever considered by Congress. It is intended to supplement existing State laws, and in regulating interstate commerce in game it will doubtless mark the beginning of a new era in bird protection. It contains three main provisions: (1) It places the preservation of birds under the jurisdiction of the Department of Agriculture; (2) authorizes the Secretary of Agriculture to regulate the importation of foreign birds and animals, and to prohibit the introduction of the mongoose, 'flying foxes,' English sparrow, starling, or other species which may be injurious; and, (3) prohibits interstate traffic in birds killed in violation

[1] Cong. Record, XXX, pt. 2, p. 2195; Forest and Stream, XLIX, p. 21, July 10, 1897.

[2] Ibid., XXXII, pt. 1, p. 318; Forest and Stream, LI, p. 509, December 24, 1898.

[3] Ibid., p. 439.

[4] This is the corrected vote, which was given on April 30 as 142 to 26. (See Cong. Record, XXXIII, pp. 5228, 5307, April 30 and May 1, 1900.)

[5] Ibid., XXX, p. 6151, May 18, 1900.

[6] Ibid., XXX, p. 6588, May 26, 1900.

of State laws. This latter feature was explained in the report of the House committee as follows:

The most important purpose of this bill is to supplement the State laws for the protection of game and birds. * * * Where States are powerless to protect themselves, the National Government has ample power. This bill goes to the very root of this matter by forbidding interstate commerce in such animals and birds when killed or caught in violation of local laws. * * * Interstate commerce is beyond State control. The killing or carrying of game within the limits of a State is a matter wholly within the jurisdiction of the State, but when the fruits of the violation of State law are carried beyond the State, the nation alone has the power to forbid the transit and to punish those engaged in the traffic. This bill will give to the game wardens the very power that they now lack and which would be the most effective for the purpose of breaking up this commerce. The bill is supported by many persons and associations throughout the United States, and your committee are of the opinion that it will be of much aid in preventing the present rapid extermination of our game, song and insectivorous birds.[1]

The act reads as follows:

An Act (H. R. 6634) to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes.[2]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby authorized to adopt such measures as may be necessary to carry out the purposes of this act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.

The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.

And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this act, and shall expend for said purposes such sums as Congress may appropriate therefor.

SEC. 2. That it shall be unlawful for any person or persons to import into the United States any foreign wild animal or bird except under special permit from the United States Department of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or the importation of certain cage birds, such as domesticated canaries, parrots, or such other species as the Secretary of Agriculture may designate.

The importation of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, or such other birds or animals as the Secretary of Agriculture may from time to time declare injurious to the interest of agriculture or horticulture is hereby prohibited, and such species upon arrival at any of the ports of the United States shall be destroyed or returned at the expense of the owner. The

[1] Fifty-sixth Congress, first session, House of Representatives, Report No. 474, to accompany H. R. 6634.

[2] Cong. Record, XXXIII, pp. 3868, 5228, April 2 and 30, 1900.

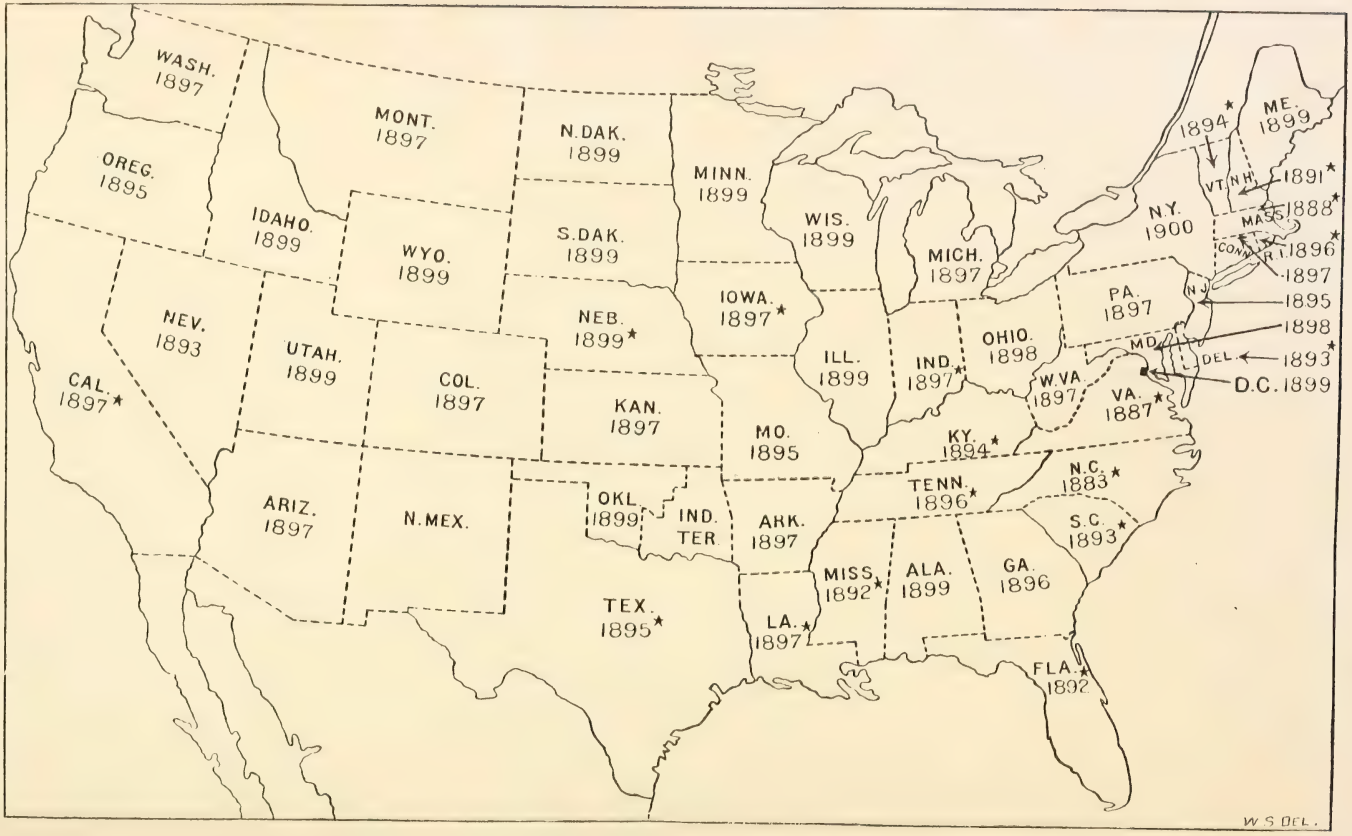
Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.

SEC. 3. That it shall be unlawful for any person or persons to deliver to any common carrier, or for any common carrier to transport from one State or Territory to another State or Territory, or from the District of Columbia or Alaska to any State or Territory, or from any State or Territory to the District of Columbia or Alaska, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed in violation of the laws of the State, Territory, or District in which the same were killed: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are killed.

SEC. 4. That all packages containing such dead animals, birds, or parts thereof, when shipped by interstate commerce, as provided in section 1 of this act, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on inspection of the outside of such packages. For each evasion or violation of this act the shipper shall, upon conviction, pay a fine of not exceeding $200; and the consignee knowingly receiving such articles so shipped and transported in violation of this act shall, upon conviction, pay a fine of not exceeding $200; and the carrier knowingly carrying or transporting the same shall, upon conviction, pay a fine of not exceeding $200.

SEC. 5. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl.

Approved May 25, 1900.



MAP SHOWING DATES OF RECENT STATE LAWS FOR THE PROTECTION OF BIRDS.

Asterisks (*) indicate that the laws are taken from the latest Code or Revised Statutes, and may have been enacted earlier. The laws of Arizona and Idaho apply only to game, those of Florida only to game and plume birds. Rhode Island now has a new law, passed May 4, 1900 (see p. 78).

II. STATE LAWS FOR THE PROTECTION OF BIRDS.

The following digest of measures for the protection of birds, which includes the latest acts passed in the various States up to the close of 1899, and also laws enacted by New York and Rhode Island in 1900,[1] fairly represents the legislation in force in the United States at the close of the century. In the fifty years that have elapsed since the enactment of the first law protecting insectivorous birds, considerable progress has been made, although much still remains to be accomplished. With the exception of Alaska (see p. 57), every State and Territory has its bird law, but Arizona, Idaho, Indian Territory, and New Mexico protect only game, and Florida only game and plume birds.

Uncertainties still surround many of the questions involved in these laws; but some fundamental principles have been definitely settled by decisions of the higher courts, the tendency of which is to give the fullest effect to such legislation. While these decisions relate primarily to game, the principles established apply equally to birds of all kinds. Several of the State courts have held that the title to game is vested in the State, and Colorado, Michigan, and Texas incorporate this principle in their laws, declaring in no uncertain terms that game is the property of the State. The supreme court of California has said, "The wild game within a State belongs to the people in their collective sovereign capacity. It is not the subject of private ownership except in so far as the people may elect to make it so, and they may, if they see fit, absolutely prohibit the taking of it, or traffic and commerce in it, if it is deemed necessary for the protection or preservation of the public good."[2] It is generally admitted that the State has the right to legislate regarding the protection of its birds and game; and the court of appeals of New York some years ago held that all game, whether killed within the State or imported from without, is subject to the State law, provided the wording of the statute covers it,[3] a principle which has recently been incorporated in the Minnesota game law.[4] In 1896, the Supreme Court of the United States[5] affirmed

[1] I am indebted to Mr. William Dutcher, of New York City, for copies of the New York and other recent laws, and to Mrs. Eleanor W. T. Smith, of Providence, for the Rhode Island law.

[2] *Ex parte* Maier, 103 Cal., 476. The same view was expressed by the supreme court of Minnesota in State *v.* Rodman, 58 Minn., 393.

[3] Phelps *v.* Racey, 60 N. Y., 10.

[4] Laws of 1897, chap. 221, sec. 32.

[5] Geer *v.* State of Connecticut, 161 U. S., 519.

the principle of State ownership of game, and sustained the constitutionality of the law of Connecticut prohibiting the export of game from the State.

This compilation has been made from the latest code or revision in each State, with such modifications as have been necessitated by subsequent legislation in order to bring it down to date. Only those sections relating to birds generally, as distinguished from game birds, have been quoted verbatim, while abstracts (inclosed in brackets) have been given of those that make provision for the issue of permits or licenses to scientific collectors, seasons for 'aquatic' or 'web footed wild fowl,' open seasons for birds improperly regarded as game, penalties for violations of the laws, export of birds in general, and kindred matters. Sections relating solely to game birds are not quoted.[1]

ALABAMA.[2]

General Laws of 1898–99, pp. 77–83.

SEC. 1. [Prohibits hunting or shooting on Sunday.]

SEC. 2. That no person in this State shall kill, wound, trap, net, snare, catch with birdline, or any similar substance, poison or drug, any bird of song or any warbler, linnet, titmouse, bluebird, sparrow, yellow bird, thrush, downy woodpecker, hairy woodpecker, pileated woodpecker, red-bellied woodpecker, red-[3] [headed woodpecker, cat bird, penee, vireo, mar-] *and every year, save as to the turtle dove which* tin, tanegar, tilcup, blue finch, indigo bird, oriole, shrike, keldee, gnat catcher, snow bird, hair bird, grosbeck, whippoorwill, cuckoo, chenink, chickadee, chat, phoebe bird, red start, finch, humming bird, cow bird, shore lark, wren, swallow, robin, grackle, meadow lark, nuthatch, swift, nighthawk, starling or bunting, turtle dove, joree, red bird, mocking bird, American sparrow, field lark, or rain crow. Nor shall any person purchase or have in possession, or expose for sale, any of the aforesaid song or wild birds, or the game mammals killed or taken in this State except as hereinafter provided; but nothing herein shall be construed to prevent the keeping of song birds in cages as domestic pets. No person shall take or needlessly destroy the nest or eggs of any song or other wild bird except as hereinafter provided. This act shall not apply to any person holding a certificate giving the right to take birds and their nests and eggs and game mammals for scientific purposes in accordance with the following provisions [Certificates may be granted by the probate judge of any county to persons over 15 years of age. Applicants must pay $5 and file with said probate judge a properly executed bond in the sum of $100, signed by two responsible citizens of the State as sureties. Certificates shall be in force one year from date of issue and shall not be transferable]: *And, provided further,* That it shall be lawful to kill any bird so protected from the first day of November to the first day of March in each[3] [and every year, save as to the turtle dove which] *headed woodpecker, cat bird, penee, vireo, mar-* may be killed from August 1st to March 1st of each year, and, excepting the mocking bird which it shall be unlawful to kill at any time.

The English or European house sparrow, the king fisher, Cooper's hawk, sharp-shinned hawk, duck hawk, pigeon hawk, great horn owl, and barred owl, green heron and night heron, are not to be included among the birds protected by this act.

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[1] The sections of the Arizona law referring to doves are included since these birds do not come within the definition of game birds given on page 14.

[2] The spelling in the statute has been followed literally.

[3] To understand the intent of the law, read the two bracketed lines in place of the two italicized lines; the latter were evidently transposed in printing.

Any person or persons violating any of the provisions of this section shall, on conviction, be fined not less than ten dollars for each and every violation, or in default of payment thereof by imprisonment in the county jail for a period of one day for each dollar of penalty imposed: *Provided*, That any of such birds may be killed or otherwise destroyed when they eat or destroy strawberries, grapes, cherries or other fruits or vegetables.

SEC. 6. [No person shall at any time kill or have in possession any of the birds of this State with intent to ship the same beyond the State, and it shall not be lawful to transport beyond the limits of this State any of the game birds mentioned in this act.]

SEC. 9. Be it further enacted, Except as provided for in section 2, no person for any reason or purpose whatever, shall take, have in his or her possession or under control, break or destroy or in any manner interfere with any nest or the eggs therein of any of the kinds of birds, the killing of which is at any time or all time herein prohibited: *Provided*, That this does not apply to persons who have obtained certificates permitting them to collect the nests and eggs of wild birds other than game birds. Whosoever shall offend against any of the provisions of this section shall, on conviction, be fined not less than fifty dollars for each and every offense so committed, or by imprisonment in the county jail for a period of one day for each dollar of penalty imposed.

SEC. 14. * * * Provided, the provisions of this act shall not apply to the counties of Hale, Tuscaloosa, Marengo, Wilcox, Marion, Greene, Pickens, Coosa, Clay, Choctaw, Calhoun, Limestone, Clarke, Washington, Chambers, Lawrence, Coffee, Autauga, St. Clair, Franklin, Geneva, Walker, Randolph, Lowndes, Pike, Lauderdale, Butler, Bullock, Dale, Henry, Russell, Cleburne, Lee, Winston, Hale, Blount, Baldwin, Dallas, Chilton, Talladega, Escambia, Elmore, Lamar, Sumter, Fayette, DeKalb, Mobile, Bibb, Cherokee, Etowah, Marshall, Barbour, Jefferson, Tallapoosa, Shelby, Crenshaw, Colbert, Conecuh and Jackson, and it shall not apply to Montgomery county except in so far as game birds and mammals are concerned.

Approved February 8, 1899.

ALASKA.

[The code of Alaska is now before Congress. During the discussion in the House of Representatives on May 24, 1900, an amendment was made to section 29, prohibiting the shipment of eggs of cranes, brant, geese, or ducks.[1]]

ARIZONA.[2]

Acts of 1897, No. 41, pp. 77-78.

SEC. 3. [Every person who shall take, gather, or destroy the eggs of any dove or of certain game birds shall be guilty of a misdemeanor.]

SEC. 4. [Makes killing or possession of doves between March 1 and June 1 a misdemeanor.]

ARKANSAS.

Acts of 1897, Act XLI, p. 53.

SEC. 1. It shall be unlawful for any person within the State of Arkansas to kill, wound or injure any wild bird other than the game birds, or to destroy, disturb or rob the nests of any such birds, or to sell or expose for sale, either dead or alive, any of such birds, or to sell or expose for sale, any of the eggs of any such birds; and it shall be unlawful for any railroad company, express company, steamboat company,

[1] Cong. Record, XXXIII, p. 6419, May 24, 1900.

[2] This law provides only for the preservation of game birds, and in addition to doves protects quail, bob-white, partridge, grouse, wild turkey, snipe, rail, wild ducks, geese, and brant.

or other company or corporation or private person, their agents, employees or servants, to have in possession or receive for transportation or carriage, or for any other purpose whatever, any such birds or eggs; but this section shall not apply to English sparrows, crows, black birds, hawks, owls, eagles, and other birds of prey, nor shall it prohibit any person from killing any such birds on his own premises, when in the act of destroying fruit or other crops.

Approved March 15, 1897.

[This act amends section 3433 of the game law in Sandels & Hill's Digest, 1894, p. 847. The only game birds mentioned in that law are the wild turkey, pinnated grouse or prairie chicken and quail or Virginia partridge. The penalties for violations of this law are found in section 3436 of the Digest, which reads as follows:]

"SEC. 3436. Any person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than three, nor more than ten dollars for each bird killed, caught or injured, or had in possession * * * and not less than three dollars nor more than ten for each nest of eggs destroyed as aforesaid, together with the costs of prosecution."

Act February 23, 1885.

CALIFORNIA.

Penal Code, 1897, pp. 216,218.

SEC. 626. * * * Every person who shall take, gather, or destroy the eggs or nests of any * * * dove, robin, or any kind of wild duck, or rail; every person who, in the State of California, shall at any time hunt, shoot, shoot at, take, kill, or destroy, buy, sell, give away, or have in his possession, except for the purpose of propagation, or for educational or scientific purposes, any English skylark, robin, canary, humming-bird, thrush, or mocking-bird, or any part of the skin, skins, or plumage thereof, or who shall rob the nests or take or destroy, or offer for sale, the eggs of any of the said birds * * * is guilty of a misdemeanor; provided, however, that the right of possession for the purpose of propagation shall first be obtained by a permit in writing from the Board of Fish Commissioners of the State of California. Any person found guilty of a violation of any of the provisions of this section, shall be fined in a sum not less than twenty dollars or more than five hundred dollars, or be imprisoned in the county jail in the county in which the conviction shall be had, not less than ten days or more than one hundred and fifty days, or be punished by both such fine and imprisonment. [Killing of doves permitted between July 15 and February 15.]

SEC. 627. [Prohibits transportation of doves beyond limits of State, except for purposes of propagation, under penalty of a fine of $20–$500 or imprisonment 10–150 days, or both fine and imprisonment.]

Amendment approved March 9, 1897.

Penal Code, 1897, Appendix, p. 562.

BLUE CRANES.

SEC. 1. Any person or persons who shall willfully and knowingly shoot, wound, trap, snare, or in any other manner catch or capture any blue crane in the State of California, or shall knowingly take, injure, or destroy the nest of any white or blue crane, or shall take, injure, or destroy any blue crane's eggs, in the nest or otherwise, in said state, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace of the township in which the offense shall have been committed, shall be fined in a sum not less than fifty dollars nor exceeding one

hundred dollars, and cost of the action for each offense, or may be imprisoned not less than fifty days nor more than one hundred days, or by such fine and imprisonment as the judgment of the court may direct.

Approved March 16, 1889.

Penal Code, 1897, Appendix, p. 563.

SEA GULLS.

SEC. 1. Every person who willfully kills or destroys any of that species of sea birds known as gulls, within five miles of the town of Santa Monica, in Los Angeles county, is guilty of a misdemeanor.

Approved March 15, 1876.

COLORADO.

Laws of 1897, chap. 8, pp. 40–49.

SEC. 15. No person shall at any time kill, ensnare, net or trap any robin, lark, whip-poor-will, finch, sparrow, thrush, wren, martin, swallow, snowbird, bobolink, red-winged black bird, crow, raven, turkey buzzard, oriole, king bird, mocking bird, song sparrow or other insectiverous [sic] bird or birds or any pheasant, quail, ptarmigan or partridge. * * *

SEC. 31. [Provides for issue of certificates for collecting birds for scientific purposes only, by State forest, game and fish commissioner to any member of any natural history society or other scientific body organized for study of natural history or any person accredited by such society. Specimens collected under certificate can only be disposed of by exchange. Applicant must file with commissioner written testimonials certifying to his fitness from two well-known citizens, a properly executed bond in the sum of one hundred dollars, signed by two responsible persons of the State as sureties and must pay the sum of $5. Certificates shall be in force for only three months from date of issue and shall not be transferable.]

SEC. 48. Any person violating any of the provisions of this Act * * * shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than three hundred dollars, or imprisoned in the county jail not less than ten days, nor more than six months, or by both such fine and imprisonment; *Provided*, That the minimum penalty * * * for any violation of Sections 15 * * * of this Act, shall be ten dollars. The killing or otherwise taking of each bird * * * mentioned in this Act or the possession thereof in violation of this Act shall constitute a separate and distinct offense.

Approved April 16, 1897.

Laws of 1899, chap. 98, p. 188.

DIVISION A, SEC. 16. All game and fish now or hereafter within this State not held by private ownership, legally acquired, and which for the purposes of this act shall include all the quadrupeds, birds and fish mentioned in this act, are hereby declared to be the property of the State, and no right, title, interest or property therein can be acquired or transferred, or possession thereof had or maintained except as herein expressly provided.

SEC. 18. As used in this act * * * the prohibition and restriction shall, where not specifically otherwise provided extend to and include every part of such game or fish, and a violation as to each individual animal or part thereof shall be a separate offense, and two or more offenses may be charged in the same complaint, information or indictment * * *

DIVISION B, SEC. 7. (4) The open season for * * * cranes and water fowls shall begin September 1 and end April 15 next ensuing, except in altitudes exceeding 7,000 feet above sea level, where the open season shall begin September 15.

(5) The open season for wild pigeons and doves shall begin July 15 and end September 30 next ensuing.

DIVISION G, SEC. 4. [Every person or officer violating any of the provisions of this act shall be punished by a fine of $10 to $500, or by imprisonment from ten days to six months, or by both fine and imprisonment.]

Approved April 27, 1899.

CONNECTICUT.

General Statutes, 1888, Title XLI, Chap. CLII, p. 558.

SEC. 2542. Every person who shall shoot, snare, or kill any eagle shall be fined not less than twenty-five nor more than fifty dollars, or imprisoned not more than thirty days. (Stat. 1883, chap. 67.)

Public Acts of 1897, Chap. XXIII, p. 756.

SEC. 1 [amending section 2535 and repealing section 2536 General Statutes, 1888]. Every person who shall kill, cage, or trap, or have in his possession, dead or alive, any bluebird, Baltimore oriole, purple finch, thrush of any kind, cat-bird, wren, martin, swallow, chimney swift, bobolink, robin, night-hawk, whip-poor-will, fly-catcher, warbler, scarlet tanager, vireo, nuthatch, creeper, humming bird, rose-breasted grosbeak, kinglet, titmouse, indigo bird, cedar bird, yellow bird, phebe, sparrow (except English sparrows), or any species of the woodpecker, chickadee, or any other of the song or insectivorous birds, or who shall destroy the nests or eggs of any of said birds, shall be fined one dollar for each bird so killed, caged, trapped, or had in possession, or nest or egg destroyed.

Approved March 15, 1897.

Public Acts of 1899, chap. 62, p. 1017.

SEC. 1. The president of the board of commissioners of fisheries and game shall have authority to issue to suitable persons licenses to take and kill birds which may be otherwise protected by law, except game birds, and the nests and eggs of such birds, for scientific purposes only.

SEC. 2. [Applicant must present certificate signed by an officer of the Hartford Scientific Society showing that said applicant is a proper person to be intrusted with a license, and must file with the commissioners a bond in the sum of two hundred dollars.]

SEC. 3. [Licenses shall be issued for one year, and upon such conditions as commissioners may prescribe.]

SEC. 4. [Applicants shall pay fee of one dollar for license.]

Approved April 19, 1899.

DELAWARE.

Revised Statutes, 1893, Chap. LV, p. 457 (Laws of Del., Vol. 17, chap. 507).

SEC. 1. [Permits killing of reedbirds between September 1 and February 1.]

SEC. 6. That it shall be unlawful for any person within this State at any time to take, kill or destroy (upon lands not owned by himself) any of the following birds, viz: Robin, bluebird, martin, swallow, mockingbird, thrush, wakeup, woodpecker,

wren, whippoorwill, catbird, nighthawk, oriole, redbird, yellowbird, hummingbird, groundrobin, skylark, flicker, or sapsucker, or willfully to take or destroy the eggs or nest of any of the aforesaid birds, or any other birds except hawks, owls, crows and English sparrows. And if any person within this State shall at any time take, kill, or destroy any of the birds named in this section, and not excepted from the provisions thereof, or shall willfully take or destroy the eggs or nest of any of the said birds not excepted as aforesaid, such person shall be deemed guilty of a common nuisance, and upon conviction thereof before any justice of the peace in this State shall be fined one dollar ($1.00) for each and every bird, or nest, or eggs so taken or destroyed in violation of the provisions of this section.

SEC. 7. [Prohibits hunting on Sunday under penalty of a fine of $10.]

Passed April 9, 1885.

[Rev. Stat., 1893, Chap. LV, p. 463 (Laws of Del., vol. 19, chap. 137, sec. 1), prohibits shipment of robins out of State under a penalty of $5 for each bird so shipped.]

Passed April 20, 1891.

DISTRICT OF COLUMBIA.

30 Statutes at Large, p. 1012.

SEC. 1. [Permits shooting of reedbirds or ricebirds and marsh blackbirds on Tuesdays, Thursdays, and Saturdays between August 21 and February 1.]

SEC. 3. That no person shall expose for sale or have in his or her possession dead, at any time, any turkey buzzard, wren, bluebird, hummingbird, blue jay, robin or migratory thrush, wood or song robin, martin, mocking bird, swallow, oriole, red or cardinal bird, catbird, pewit, whip-poor-will, goldfinch, sapsucker, hanging bird, woodpecker, crow blackbird, or other insectivorous bird, save for scientific purposes upon permit from the Superintendent of Police of the District of Columbia, in accordance with such restrictions as the Secretary of the Smithsonian Institution may prescribe, and excepting the English sparrow; nor rob the nest of any wild bird of eggs or young or destroy such nest, except in the clearing of lands of trees or brush; nor trap, net, or ensnare any wild bird or water fowl mentioned in this chapter, or have in his possession any trap, snare, net, or illuminating device for the purpose of killing or capturing any * * * bird, under a penalty of five dollars for each * * * bird killed or captured, or bird's nest and eggs destroyed, and, in default, to be imprisoned in the workhouse not exceeding thirty days.

SEC. 7. [There shall be no shooting, or having in the possession in the open air the implements for shooting, on Sunday, under a penalty of not more than twenty dollars for each offense.]

Approved March 3, 1899.

FLORIDA.

Revised Statutes, 1892, p. 847.

SEC. 2755. Whoever wantonly destroys the nest, eggs, or young of any sea bird, or bird of plume in this State, on the land or coast, or in any of the seas, bays, rivers, creeks or harbors, or within a marine league of the coast of the State, shall be punished by fine not exceeding twenty dollars. (Chap. 3043, act March 2, 1877.)

SEC. 2756. Whoever, not being a citizen of the United States, kills any birds for the purpose of obtaining plumes therefrom, on any part of the coasts of Florida, or in any of the bays, rivers, creeks or harbors, or inland waters or prairies of the same, or within a marine league of the coast of the State, shall be punished by a fine not exceeding one hundred dollars. (Chap. 3149, act February 22, 1879.)

Revised Statutes, 1892, Appendix, chap. 4050, p. 992.

SEC. 1. That hereafter it shall be unlawful for any person to kill, in this State, for the purpose of sale or commercial traffic any of the following named plumed birds: That is to say any crane, egret, ibis, curlew or heron.

SEC. 2. That hereafter it shall be unlawful for any person to purchase, trade or traffic in any of the plumed birds hereinbefore mentioned, or for commercial purposes to purchase, trade or traffic in the plumes or pelfry of the said plumed birds of the State.

SEC. 3. That whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding three hundred dollars, or imprisoned in the county jail not exceeding six months, at the discretion of the court.

Approved June 5, 1891.

GEORGIA.

Public Laws of 1896, Title VII, No. 68, p. 74.

SEC. 1. * * * It shall be unlawful for any person to shoot, trap, kill, ensnare, net or destroy in any manner * * * any insectivorous or singing bird, except English sparrows, crows, larks, rice birds, night-hawks, wheat birds and doves, between the fifteenth day of March and the first day of November. It shall also be unlawful to shoot, trap, kill, ensnare, net or in any manner destroy any dove between the fifteenth day of March and the fifteenth day of August. It shall also be unlawful for any person to remove from the nests, or in any manner destroy the eggs of any of the birds protected by this Act during the periods they are so protected. * * * It shall be further unlawful for any person to sell or offer for sale any game, bird or animal, or any part of either, whether dead or alive, that are protected by this Act during the periods so protected, and it shall be taken and deemed as *prima facie* evidence of a violation of the provision of this section for any person or persons to be found in possession of any of the animals or birds (or the eggs of birds) during the periods in which they are protected by this Act, and any person or persons who shall violate any of the provisions of this Act as enumerated in this section shall be guilty of a misdemeanor.

Approved December 22, 1896.

General Laws of 1898, Title VI, No. 13, p. 259.

SEC. 1. * * * That from and after the passage of this Act, the baiting or killing of doves thus baited, any season of the year, shall be a misdemeanor, and any person convicted thereof shall be fined not less than ten dollars nor more than fifty dollars.

Approved December 6, 1898.

ILLINOIS.

Laws of 1899, pp. 224–228.

SEC. 1. [Permits killing of mourning doves between September 1 and December 1.]

SEC. 3. Any person who shall, within the State, kill or catch or have in his or her possession, living or dead, any wild bird other than a game bird, English sparrow, crow, crow-blackbird or chicken hawk, or who shall purchase, offer or expose for sale any such wild bird after it has been killed or caught, shall, for each offense, be

subject to a fine of five dollars for each bird killed or caught, or had in possession, living or dead, or imprisonment for ten days, or both, at the discretion of the court: *Provided*, That nothing in this section shall be construed to prevent the owner or occupant of lands from destroying any of such birds when deemed necessary by him for the protection of fruits or property. For the purposes of this act the following only shall be considered game birds: The An[a]tidæ, commonly known as swans, geese, brant and river and sea ducks; the Rallidæ, commonly known as rails, coots, mud-hens and gallinules; the Linicolæ [Limicolæ], commonly known as shore birds, plover, surf birds, snipe, wood-cock, sand-pipers, tatlers and curlews; the Gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges, quails, and mourning doves.[1]

SEC. 6. [Provides that this act shall not apply to the killing of birds by or for the use of taxidermists, for preservation either in public or private collections, if so preserved.]

SEC. 11. The ownership and title to all wild game and birds in the State of Illinois is hereby declared to be in the State. * * *

SEC. 13. Any person who shall, within the State of Illinois, take or needlessly destroy the nest or the eggs of any wild game or birds, or shall have such nest or eggs in his or her possession, shall be subject for each offense to a fine of five (5) dollars, or imprisonment for ten days, or both, at the discretion of the court.

SECS. 15 and 16. [Provide that certificates for collecting birds, nests and eggs for strictly scientific purposes may be granted by county clerks to persons 15 years of age or upwards. The applicant must present to the county clerk written testimonials certifying to his good character and fitness, from two well-known scientific men, must pay one dollar, and must file a properly executed bond, in the sum of two hundred dollars, signed by two responsible citizens of the State as sureties. Certificates shall be in force until the 1st of June following date of issue, and shall not be transferable.]

Approved April 24, 1899

INDIANA.

Thornton's Revised Statutes, 1897, pp. 361-362.

SEC. 2243. It shall be unlawful for any person to kill any wild bird other than a game bird, or purchase, offer for sale any such wild bird after it has been killed, or to destroy the nests or the eggs of any wild bird.

SEC. 2244. For the purpose of this Act the following only shall be considered game birds: the Anatidæ, commonly called swans, geese, brant, and river and sea ducks; the Rallidæ, commonly known as rails, coots, mud-hens, and gallinules; the Limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, and sandpipers, tattlers, and curlews; the Gallinæ, commonly known as wild turkeys, grouse, prairie chickens, quail, and pheasants, all of which are not intended to be affected by this act.

SEC. 2245. Any person violating the provisions of section one [2243] of this Act shall, upon conviction, be fined in a sum not less than ten nor more than fifty dollars, to which may be added imprisonment for not less than five days nor more than thirty days.

SEC. 2247. [Provides for granting permits by the Executive Board of the Indiana Academy of Science to properly accredited persons for collecting birds, nests, and eggs for strictly scientific purposes. The applicant must present written testimonials

[1] Mourning doves properly belong to the Columbæ, not to the Gallinæ.

from two well known scientific men certifying to his good character and fitness, must pay one dollar, and must file a bond in the sum of two hundred dollars, signed by at least two responsible citizens of the State.]

SEC. 2248. [Provides that permits shall be in force only two years from date of issue, and shall not be transferable.]

SEC. 2249. The English or European house sparrow (*Passer domesticus*), crows, hawks, and other birds of prey are not included among the birds protected by this act.

Approved March 5, 1891.

IOWA.

Annotated Code, 1897, p. 888.

SEC. 2561. No person shall destroy the nests or eggs of, or catch, take, kill or have in possession or under control for any purpose whatever, except specimens for use of taxidermists, at any time, any whippoorwill, night-hawk, bluebird, finch, thrush, linnet, lark, wren, martin, swallow, bobolink, robin, turtle-dove, catbird, sandpiper, snowbird, blackbird, or any other harmless bird except bluejays and English sparrows, but nothing herein shall be construed to prevent the removal of nests from buildings, and the keeping of song birds in cages as domestic pets. Any person violating any of the provisions of this section shall be fined not less than one dollar nor more than twenty-five dollars and costs of prosecution, and may be committed to the county jail until such fine and costs are paid.

In effect October, 1897.

KANSAS.

Session Laws of 1897, chap. 135, p. 293.

SEC. 1. It shall be unlawful for any person or persons, at any time, except as hereinafter provided, to hunt, catch, kill, shoot, pursue, entrap or ensnare, any * * * oriole, meadow-lark, robin, thrush, redbird, mocking-bird, blue jay, turtle-dove, yellowhammer or bluebird: * * * *Provided furthermore*, That this act shall not prevent the owner of an orchard from shooting blue jays, orioles or yellowhammers at any time.

SEC. 4. The provisions of this act shall not apply to the catching or killing of any wild bird for the sole purpose of preserving it as a specimen for scientific purposes.

SEC. 6. [It shall be unlawful to buy, or sell, or offer for sale, or shipment, any bird or birds named in section 1.]

SEC. 7. It shall be unlawful for any railroad, express, or transportation company or corporation to accept, within the State of Kansas, for shipment or transfer, any of the birds mentioned in section 1 of this act.

SEC. 8. Any person, or the manager, agent or employee of any company or corporation found guilty of a violation of any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any court of competent jurisdiction, shall be fined in a sum not less than five dollars nor more than one hundred dollars, for each and every offense, and costs, together with an attorney's fee of ten dollars, and shall be committed until such fine, costs and attorney's fee shall be paid.

Approved March 13, 1897.

KENTUCKY.

Kentucky Statutes, 1894, pp. 718-719.

SEC. 1945. [Protects doves between February 1 and August 1.]

SEC. 1946. No person shall at any time catch, kill, or pursue with such intent, or have in possession after the same has been caught or killed, any thrush, meadow-lark, finch, martin, swallow, woodpecker, flicker, oriole, red bird, tanager, cat-bird, blue-bird or other song or insectivorous bird, except where the same shall be destructive to the fruit or grain crops.

SEC. 1948. No person shall rob or destroy the nests or eggs of any wild bird whatsoever, save only those of a predatory nature, and destructive of other birds or fowls.

SEC. 1949. Any person guilty of violating any of the provisions of either of the preceding sections shall be fined for each offense not less than five nor more than twenty-five dollars.

SEC. 1952. [Unlawful killing, catching, or possession of each of the birds protected by this law shall constitute a separate offense, and two or more offenses may be joined in the same warrant or indictment.]

Act of February 27, 1894.

LOUISIANA.

Revised Laws, 1897, p. 247.

SEC. 4. That no person shall catch, kill or pursue, with such intent, or have in possession after the same has been caught or killed, any whippoorwill, sparrow, finch, oriole, bluebird, swallow, night hawk, or blackbird, except when the same shall be destructive to the fruit or grain crop, under a penalty of not less than five nor more than twenty-five dollars for each offense.

SEC. 5. That no person shall rob or destroy the nests or eggs of any wild bird whatsoever, save only those of a predatory nature, and destructive of game or insectivorous birds, under a penalty of not less than five nor more than twenty-five dollars for each offense.

SEC. 6. That no person shall entrap, net, kill, or pursue with such intent, or have the same in possession at any time during the year, any song bird, especially the mocking bird, except domesticated birds, except the birds be entrapped or netted for the purpose of domestication, under a penalty of not less than five nor more than twenty-five dollars for each offense, except when the same shall prove destructive to the fruit or grain crops.

SEC. 14. That all acts and violations of this law denominated as offenses in the foregoing sections shall be and are hereby declared to be crimes against the State of Louisiana, and it shall be the duty of all district attorneys and district attorneys *pro tempore* of the State to prosecute before any court of competent jurisdiction all offenders and persons committing misdemeanors under the provisions of this Act. (Act 60, Extra session 1877, p. 100.)

[Act of 1900 protects doves from April 1 to September 1.]

MAINE.

Public Laws of 1899, chap. 42, pp. 35-36.

SEC. 12. Whoever kills, or has in his possession, any birds commonly known as larks, robins, swallows, sparrows, woodpeckers or orioles, or other insectivorous birds, crows, English sparrows and hawks excepted, forfeits not less than one dollar,

nor more than five dollars, for each such bird killed; and the possession by any person of such dead bird, is prima facie evidence that he killed such bird. Whoever at any time wantonly takes or destroys the nest, eggs or unfledged young of any wild bird, except crows, hawks, herons, loons and owls, or takes any eggs or young from such nests forfeits not less than one dollar nor more than ten dollars, for each nest, egg or young so taken or destroyed. Whoever carries or transports from place to place, any of the birds named in this chapter during the period in which the killing of such bird is prohibited, forfeits five dollars for each bird so carried or transported.

SEC. 14. [The commissioners of inland fisheries and game may issue licenses to taxidermists of good reputation and to suitable persons, not exceeding 10 at one time, to collect birds, nests and eggs for scientific purposes. Applicants shall pay $5 for licenses and can only dispose of specimens obtained under such permits by exchange, under a penalty of $10 to $50. Licenses do not authorize collecting on Sunday.]

SEC. 22. [Sunday is a close time, in which it is unlawful to hunt, kill, or destroy birds of any kind.]

Approved March 8, 1899.

Public Laws of 1899, chap. 116, p. 119.

No person shall kill or have in his possession, except alive, any bird commonly known as tern. Whoever violates provisions of this act shall be subject to a fine of not less than one dollar nor more than ten dollars.

Approved March 17, 1899.

MARYLAND.[1]

Laws of 1898, chap. 206, pp. 709–713.

SEC. 15B. [Permits killing of doves between August 15 and December 24.]

SEC. 15D. [Permits shooting of reedbirds between September 1 and November 1.]

SEC. 15E. [Permits sale of flickers in Baltimore between August 15 and December 24.]

SEC. 15H. No person shall, in this State, at any time shoot or in any manner catch or kill, expose for sale, sell or buy, or have in possession, alive or dead, any turkey-buzzard, wren, sparrow, bluebird, humming bird, bluejay, migratory or other thrush, wood robin, red breasted robin, martin, mocking bird, cat bird, swallow, oriole, red bird, lark, indigo bird, joe wink, pewitt, sapsucker, whippoorwill, gold finch, yellow-breasted chat, cedar bird, herring gull or mackerel gull, or gull of any description, under a penalty of not less than one ($1) dollar nor more than five ($5) dollars for each such bird so shot, caught, killed, exposed for sale, sold, bought or had in possession; and no person shall, under like penalty, have in his or her possession, offer for sale or wear, the skins, plumage, wings, or feathers of any of the birds, the catching or killing of which is prohibited by this section; provided, however, that nothing herein contained shall be so construed as to make it unlawful to shoot, catch or kill, or in any manner destroy, at any time, any hawk or other birds destructive to domestic poultry, or any English sparrow, or crow, or blackbird; provided, that this section shall not apply to St. Mary's County and Calvert County; provided, that it shall be lawful to have mocking birds or red birds, or other songbirds in cages, or stuffed specimens of any said birds in educational institutions, or public or private museums.

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[1] "NOTE.—The old County acts in regard to song and insectivorous birds * * * except in St. Mary's County and Calvert County * * * have been repealed and the State law is now in force over the entire State."—Maryland Game and Fish Protective Association, Game Laws, 1898, p. 124.

SEC. 15o. No person shall, in this State, at any time, molest or destroy the nests or eggs of any of the aforesaid birds, except those of hawks or other birds destructive to domestic poultry and game birds, or those of English sparrows, crows and blackbirds, under a penalty of not less than one nor more than five ($5) dollars nor more than twenty-five ($25) for each and every such offense.

SEC. 15R. [Provides for issue of certificates by State Game Warden to persons over 18 years of age, for killing birds or collecting eggs for purely scientific purposes, provided application and affidavit have been filed with the warden.]

Approved April 9, 1898.

MASSACHUSETTS.

Supplement Public Statutes, 1888, chap. 276, p. 435.

SEC. 2. Whoever takes or kills * * * a wild or passenger pigeon, or a gull, or a tern, between the first day of May and the first day of October, shall be punished by a fine of ten dollars for every bird so taken or killed.

SEC. 4. Whoever takes or kills any wild or undomesticated bird not named in sections one and two [the species there named are pinnated grouse, woodcock, ruffed grouse, quail, ducks, plover, snipe, sandpiper, rail, shore birds, wild pigeon, gull and tern] except English sparrows, crow blackbirds, crows, jays, birds of prey, wild geese, and such fresh water and sea fowl as are not named in sections one and two, or wilfully destroys, disturbs or takes a nest or eggs of any wild or undomesticated birds, except of the birds herein exempt from protection, shall be punished by a fine of ten dollars: *Provided*, That any person above the age of twenty-one years having a certificate from the game commissioners or from the president of the Boston Society of Natural History to the effect that such person is engaged in the scientific study of ornithology or collecting in the interest of a scientific institution, may take the nests and eggs of, or at any season take or kill, any undomesticated bird, except woodcock, ruffed grouse and quail. * * * *And provided further*, That the game commissioners and the president of the Boston Society of Natural History may at any time revoke any certificate they have respectively issued.

Act of June 10, 1886.

Acts and Resolves of 1897, chap. 140, p. 102.

CAPE ANN.

Whoever takes or kills * * * any land bird, except the English sparrow, within the limits of that section of this Commonwealth bounded by Squam river, Ipswich bay, the Atlantic ocean, Massachusetts bay and Gloucester harbor, at any time within five years from the passage of this act, shall be punished by a fine of twenty dollars for every * * * bird so taken or killed.

Approved March 8, 1897.

Acts and Resolves of 1898, chap. 339, p. 275.

SEC. 1 [chap. 524, Acts of 1897, amended to read:] Whoever has in his possession the body or feathers of any bird whose taking or killing is prohibited by section four of chapter two hundred and seventy-six of the acts of the year eighteen hundred and eighty six [=chap. 276, Pub. Stat., 1888], whether taken in this Commonwealth or elsewhere, or wears such feathers for the purpose of dress or ornament, shall be punished as provided in said section: *Provided*, That this act shall not be construed to prohibit persons having the certificate provided for in said section from taking or killing such birds; *and provided further*, That this act shall not apply to natural

history associations or to the proprietors of museums, or other collections for scientific purposes, nor to nonresidents of the Commonwealth passing through it or temporarily dwelling within the limits thereof.

Approved April 14, 1898; in effect April 1, 1899.

Acts and Resolves of 1899, chap. 116, p. 57.

[Every Lord's day shall be close season. Whoever hunts or destroys birds or game of any kind on this day, shall be liable to the penalties imposed for violation of the law in other close seasons, in addition to those for shooting on the Lord's day.]

Approved March 1, 1899.

MICHIGAN.

Public Acts of 1893, No. 196, pp. 312-314.

SEC. 1. That no person shall at any time or in any manner acquire any property in, or subject to his dominion or control, any of the birds, game or fish, the killing, taking, or having in possession of which is at any time or at all times prohibited by any of the laws of this State, that they shall always and under all circumstances and conditions be and remain the sole property of the State. * * * When their killing is not prohibited by law, the same may be used at the time, in the manner, and for the purposes expressly authorized by law, but not otherwise.

SEC. 2. [No person, company or corporation shall at any time take, kill or have in possession with intent to ship beyond the limits of the State any of the birds the killing of which is at any time or all times prohibited by law, or shall ship, allow or aid in their shipment out of the State.]

SEC. 5. [Sale or possession of birds during close seasons prohibited. But nothing in this act shall prevent the taking or catching alive of birds for domestication, propagation, or breeding purposes.]

SEC. 6. [Any person violating any of the provisions of this act shall be punished by a fine of $10–$50, or imprisonment not exceeding 30 days.]

Approved June 1, 1893.

Public Acts of 1897, No. 159, p. 202.

SEC. 14 [(as amended by Acts of 1899, p. 80.) Protects "wild ducks * * * or other wild water fowl" between February 1 and August 31, except in Upper Peninsula, where the close season is January 16 to August 31. It also protects wild pigeons at all times until 1905, and thereafter from December 1 to October 19.]

SEC. 17. No person or persons shall at any time or in any manner whatever injure or destroy or rob the nest, or take, injure, destroy or have in possession the eggs of any bird the killing of which is at any time or at all times prohibited by law, nor shall any person or persons at any time or in any manner whatever, molest, harass or annoy such birds while on their nesting places.

SEC. 19. [Provides for the protection of pigeon roosts until after 1905.]

SEC. 20. No person or persons shall at any time or in any manner whatever injure, kill or destroy, or attempt to injure, kill or destroy, any robin, night hawk, whip-poor-will, finch, thrush, lark, swallow, yellow bird, blue bird, brown thresher, cat bird, wren, martin, oriole, sea gull, woodpecker, bobolink, or any song bird or insectivorous bird excepting black bird, blue jay, English sparrows and butcher bird.

SEC. 21. The term "game bird" used in this act shall be construed to mean all birds named or referred to except those mentioned and referred to in section twenty.

SEC. 27. [State game and fish warden authorized to issue permits in writing for collecting birds for scientific or propagating purposes. Such permits are not transferable.]

SEC. 29. The injuring, destruction or killing of each animal and bird injured, captured, killed or destroyed contrary to the provisions of this act shall be a separate offense, and the person so offending shall be liable to the penalties and punishments herein provided for each such offense.

SEC. 30. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than ten dollars and not exceeding one hundred and twenty-five dollars, and costs of prosecution, or by imprisonment in the county jail not less than thirty days and not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

Approved May 26, 1897.

Public Acts of 1899, No. 238, p. 374.

SEC. 1. That hereafter no person or persons shall pursue, injure, kill or attempt to kill, capture or attempt to capture by any means whatever, any mourning dove within the limits of this State.

SEC. 2. [Any person or persons violating any of the provisions of this act shall be punished by a fine of $5–$100 or by imprisonment for 10 to 90 days, or by both fine and imprisonment.]

Approved June 15, 1899.

MINNESOTA.

General Laws of 1897, chap. 221, pp. 413-427.

SEC. 10 (as amended by Gen. Laws of 1899, chap. 242, p. 275). No person shall catch, take, kill or have in possession or under control, for any purpose whatever, at any time, any whippoorwill, night hawk, bluebird, finch, thrush, linnet, lark, wren, martin, swallow bobolink, robin, catbird, or any other harmless bird, except blackbirds, crows, hawks and English sparrows, except as hereinafter allowed (but nothing herein contained shall be construed to prevent the keeping of song birds as domestic pets). It shall be unlawful, and is prohibited, to catch, take, kill, or have in possession or ship any turtle dove * * * between the first day of November and the first day of September following; * * * wild ducks * * * or any variety of aquatic fowl whatever, between the first (1st) day of January and the first (1st) day of September following. * * * Whoever shall offend against any of the provisions of this section shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than ten (10) dollars nor more than twenty five (25) dollars and costs of prosecution or by imprisonment in the county jail for not less than ten (10) days nor more than thirty (30) days for each and every bird so caught, taken or killed, shipped or had in possession or under control.

SEC. 11. No person, for any reason or purpose whatever, shall take or have in possession or under control, break up or destroy, or in any manner interfere with any nest, or the eggs therein, of any of the kinds of birds the killing of which is at any or all times herein prohibited.

Any person offending against any provision of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten (10) dollars nor more than one hundred (100) dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten (10) days nor more than ninety (90) days.

SEC. 12. No person shall at any time catch or kill any of the birds permitted to be killed by this act at any time in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same.

No person shall at any time set, lay or prepare any trap, snare, net, birdlime, swivel gun or any contrivance or device whatever with intent to catch, take or kill any of

the birds in this act mentioned * * * [under same penalty as provided for violation of section 11.]

SEC. 13. [No person shall at any time catch, take, kill or have in possession any of the birds mentioned in this act with intent to ship them out of this State, under penalty of a fine of $10–$25 or imprisonment of 10–30 days for each and every bird had in possession.]

SEC. 32. No person shall at any time have in possession or under control in this State any bird, animal or fish caught, taken or killed outside of this State at a time when it is unlawful to have in possession or under control such birds, animals or fish when caught, taken or killed in this State [under penalty of a fine of $10–$50 or imprisonment of 10–60 days for each and every bird had in possession].

SEC. 41. [Certificates for collecting birds, nests, and eggs for scientific purposes may be granted by the board of game and fish commissioners to any member of any incorporated society of natural history or other scientific body organized for the study of natural history, or to any properly accredited person designated by such society; but specimens thus collected can only be disposed of by exchange. Applicants must file with the board of game and fish commissioners written testimonials, as to good character and fitness, from two well known scientific men; a properly executed bond of $100 signed by two responsible freeholders of the State as sureties; and must pay said board the sum of two dollars. Such certificate to be in force for 1 year from date of issue, and not transferable. Penalty for violation of this section a fine of not less than fifty (50) dollars or imprisonment in county jail for sixty (60) days or both.]

Approved April 23, 1897.

MISSISSIPPI.

Annotated Code, 1892, pp. 346, 538.

[SEC.] 1134. If any person shall at any time shoot, wound, injure, kill, catch, or pursue with such intent, a mocking-bird, or cat-bird, or thrush; or shall destroy or rob the nest of any wild bird whatever, except crows, black-birds, English sparrows, blue jays, hawks, owls, and other birds of prey, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not less than one dollar nor more than ten dollars, or be imprisoned in county jail not exceeding ten days.

[SEC.] 1135. If any person shall shoot, wound, injure, kill, catch or pursue with such intent, any deer, or any turtle-dove (sometimes called mourning dove), or any starling (commonly called field-lark), between the first day of March and the fifteenth day of September, or any wild turkey, or any quail (usually called partridges), between the first day of May and the first day of October, in any year, he shall be guilty of a misdemeanor, and, on conviction, shall be punished by fine not less than five dollars nor more than twenty-five dollars, or be imprisoned in the county jail not exceeding thirty days; but this section, so far as it relates to deer and wild turkeys, shall not apply to the counties of Calhoun, Clarke, Covington, Greene, Jasper, Jones, Marion, Newton, Perry, Pearl-River, Simpson, and Smith. (Laws 1882, p. 146; Laws 1884, p. 129.)

[SEC.] 1136. If any person, save in the counties named in the last section, shall have in his possession, or shall sell or buy, or offer or expose for sale, or receive for transportation or carriage, or on deposit, or for sale, or for any other purpose, any of the eggs of any wild bird, except those in the section next before the last excepted, * * * during the period in which it is made unlawful to kill such animal or birds, he shall on conviction, be fined not less than one dollar nor more than twenty-five dollars. (Laws 1882, p. 91.)

[SEC.] 2118. The term "game" includes all kinds of animals and birds found in the state of nature, and commonly so called; * * *

[SEC.] 2119. The boards of supervisors are given full jurisdiction and authority for

the protection and preservation of game and fish in their respective counties, and to conserve the same for the use and consumption of the inhabitants.

SECS. 2120, 2121. [Boards of supervisors authorized to regulate times and places in which game may be taken, and to adopt such regulations, not contrary to law, as they deem necessary for the protection of game in their counties.]

SEC. 2123. [Boards of supervisors may entirely prohibit the taking of any species of game for one or more years or seasons when they believe that the species of game is about to be destroyed or become extinct.]

MISSOURI.

Laws of 1895, p. 182.

SEC. 1. * * * It is further declared unlawful to kill any wild song bird or insectivorous bird at any season of the year, or to disturb, rob or destroy the nests of such birds, or take therefrom any egg or eggs. [Killing of turtle doves and meadow-larks permitted between August 1 and January 1.] * * * And any person offending against any of the provisions of this section shall be deemed guilty of a misdemeanor, and subject to a fine of not less than ten dollars nor more than fifty dollars.

Approved April 8, 1895.

MONTANA.

Laws of 1897, p. 251.

SEC. 7. Every person, who, wilfully shoots, or otherwise kills or causes to be killed, any meadow lark, biue bird, thrush, oriole, woodpecker, mocking bird, gold-finch, snow-bird, cedar-bird, stork, or any other of the small birds known as singing birds, shall be punishable by a fine not exceeding One Hundred Dollars, nor less than five Dollars and by imprisonment in the county jail not to exceed three months, or by both such fine and imprisonment.

SEC. 9. Any person who shall wilfully destroy the nests or carry away the eggs from the nests of any of the birds or wild fowls mentioned in this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than Five Dollars nor more than Twenty five Dollars for each offense committed, or by imprisonment in the county jail for a period of not exceeding sixty days, or both, at the discretion of the court.

SEC. 25. None of the Sections of this Act shall apply to persons hunting or otherwise engaged in collecting specimens under the direction of, and in the interest of any State Educational Institution of the State of Montana.

Approved March 8, 1897.

NEBRASKA.

Compiled Statutes, 9th ed., 1899 (Criminal Code, Chap. XI), p. 1384.

SEC. 6736. It shall be unlawful for any person in the State of Nebraska to knowingly and intentionally kill, injure, or harm, except upon the lands owned by such person, any robin, lark, thrush, bluebird, king bird, sparrow, wren, jay, swallow, turtle dove, oriole, wood pecker, yellow hammer, cuckoo, yellow bird, bobolink, or other bird or birds of like nature, that promote agriculture and horticulture, by feeding on noxious worms and insects, or that are attractive in appearance or cheerful in song. Any person violating any of the provisions of this section shall be fined not less than three nor more than ten dollars for each bird killed, injured, or harmed.

NEVADA.

Statutes of 1893, Chap. XLIX, p. 49.

SEC. 1. It shall be unlawful for any person or persons, firm, company, corporation or association, to kill, destroy, wound, trap, snare, injure or in any other manner to catch, or capture, or to pursue with such intent, any sparrow, bluebird, bluejay, martin, thrush, mocking-bird, redbreast, cat-bird, wren, robin, meadow-lark, or humming-bird, or any song bird, except linnets, within this State, or who shall take, injure or destroy the nest or eggs of said before mentioned birds.

SEC. 2 [(as amended by Statutes of 1895, Chap. LVIII, p. 55). Makes it unlawful to kill sand hill cranes between April 1 and September 15, or bitterns and yellow hammers between March 15 and September 15.]

SEC. 6. * * * *Provided*, that nothing in this Act shall be so construed as to prohibit any person or persons, firm, company, corporation, or association, taking any bird, fowl, or animal mentioned in this Act, at any time, for scientific purposes.

SEC. 7. Any person or persons, firm, company, corporation, or association, or common carrier, or the agent of any such firm, company, corporation, or association, or common carrier, violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction be fined in any sum not less than twenty-five ($25) dollars, nor more than two hundred ($200) dollars, or imprisonment in the county jail of the county in which said conviction is had, for any term not exceeding six months, or by both such fine and imprisonment, and in addition to the costs now allowed by law on criminal prosecution, twenty-five ($25) dollars liquidated damages, shall be entered up as costs against each defendant, and * * * shall be paid to the party instrumental in securing the arrest and conviction of said defendant.

Approved February 27, 1893.

NEW HAMPSHIRE.

Public Statutes, 1891, chap. 132, p. 365.

SEC. 1. If any person shall, at any season of the year, take or destroy any robin, thrush, lark, bluebird, sparrow (except English sparrows), finch, bunting, martin, oriole, swallow, flycatcher, warbler, tanager, bobolink, vireo, nuthatch, creeper, woodpecker, humming-bird, or any other of the song or insectivorous birds, he shall be fined five dollars for each bird so taken or destroyed, or be imprisoned not exceeding thirty days, or both.

SEC. 6. If any person shall designedly take from the nest and destroy the eggs or young of robins, thrushes, larks, bluebirds, sparrows (except English sparrows), martins, woodpeckers, bobolinks, yellow-birds, linnets, flycatchers, warblers, * * * or wild pigeons, he shall forfeit and pay, for every egg or young of any of said birds so taken and destroyed, the sum of two dollars.

SEC. 9. The provisions of this chapter shall not apply to the collecting of specimens for the cabinet of an educational institution by the curator thereof, or by or under his direction.

Laws of 1899, chap. 44, p. 279.

SEC. 1. If any person shall, for a period of three years from and after the passage of this act, kill any American or bald eagle he shall be punished by a fine of forty dollars for each bird so killed, or be imprisoned not exceeding three months, or both.

Approved March 8, 1899.

NEW JERSEY.

General Public Laws of 1895, Chap. CCLV, pp. 476–478.

SEC. 5 [(as amended by Laws of 1898, chap. 94). Permits killing of reedbirds between August 25 and January 1.]

SEC. 6 [(as amended by Act of April 14, 1896). Permits killing of doves in August and September.]

SEC. 7. That it shall be unlawful to capture, kill or injure or have in possession after the same have been captured, killed or injured, any night hawk, whip-poor-will, thrush, meadow lark, finch, martin, barn swallow, woodpecker, robin, oriole, red or cardinal bird, cedar bird, tanager, or other insectivorous bird, under a penalty of twenty dollars for every bird so captured, killed, injured or had in possession; *Provided*, That nothing in this section shall be so construed as to prevent the taking or killing of English sparrows, cranes, hawks, crows, ravens, crow-blackbirds, king-fishers or red-winged black birds.

SEC. 8. That it shall be unlawful to rob or destroy the eggs or nests of any wild bird whatever, under a penalty of twenty dollars for each and every nest so robbed or destroyed.

SEC. 11. That it shall be unlawful to catch, kill or injure, or to have unlawfully in possession after the same has been caught, killed or injured, any goose, duck, brant or other web-footed wild fowl, excepting only between the thirtieth day of September[1] and the first day of May, inclusive, in each and every year, under a penalty of twenty dollars for every goose, duck, brant or other web-footed wild fowls caught, killed, injured or had unlawfully in possession. [The term "other web-footed wild fowls" includes gulls, terns, etc.]

SEC. 15. [That it shall be unlawful to hunt with a gun or with a dog, or to carry a gun in the fields or woods on Sunday.]

SEC. 16. That nothing in this act shall be construed to prevent associations or individuals from domesticating or bringing into this State any animals or birds for the purpose of propagating the same, or keeping the same until a seasonable opportunity offers for their release.

SEC. 47. [Provides that in case of second conviction penalty shall be doubled.]

Approved March 22, 1895.

Laws of 1899, chap. 180, p. 483.

SEC. 1. A certificate may be granted by the New Jersey board of fish and game commissioners to any properly accredited person of the age of eighteen years or upward, permitting the holder thereof to collect birds and their nests and eggs for strictly scientific purposes only.

SEC. 2. [Applicant must present written testimonials from two scientific men, certifying to his good character and fitness; must pay fee of one dollar; and must file with said board a properly executed bond in the sum of two hundred dollars, signed by two property holders of the State.]

SEC. 3. [Certificates shall be in force one year from date of issue and shall not be transferable.]

SEC. 4. This act shall take effect immediately.

Passed March 24, 1899.

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[1] Open season changed to September 1 to May 1 by Laws of 1900, chap. 73, sec. 5.

NEW YORK.

Laws of 1900, chap. 20.

SEC. 20. Web-footed wild fowl shall not be taken or possessed from April thirtieth to August thirty-first, both inclusive [on Long Island from May first to September thirtieth, both inclusive, sec. 103]; or taken in the night from an hour after sunset until an hour before sunrise.

SEC. 30. [Grebes and bitterns shall not be killed from May 1 to August 31, both inclusive. (On Long Island grebes shall not be taken from December 31 to August 15, both inclusive, sec. 105, and bitterns from January 1 to June 30, both inclusive, sec. 108.)]

SEC. 33. Wild birds other than the English sparrow, crow, hawk, crane, raven, crow-blackbird, common blackbird, kingfisher, and birds for which there is an open season, shall not be taken or possessed at any time, dead or alive, except under the authority of a certificate issued under this act. No part of the plumage, skin, or body of any bird protected by this section shall be sold or had in possession for sale.

SEC. 34. Nests of wild birds other than the English sparrow, hawk, crane, crow, raven, crow-blackbird, common blackbird, or kingfisher, shall not be robbed or willfully destroyed except when necessary to protect buildings or prevent their defacement.

SEC. 36. [Certificates for collecting birds, nests, or eggs for scientific purposes may be granted by any society of natural history incorporated in the State, or by the regents of the University of the State of New York, to any properly accredited person of eighteen years of age or upward. The applicant for such certificate must present written testimonials as to his good character and fitness from two well-known scientific men. Applicants, except officers of the New York State Museum, must pay one dollar and must also file a properly executed bond in the sum of two hundred dollars, signed by two responsible and approved sureties. Certificates shall be in force for only one year from date of issue and shall not be transferable.]

SEC. 38 (as amended by chap. 604, laws of 1900). [Birds or game taken in this State shall not be transported without the State, nor taken or possessed with intent to transport the same without the State.]

SEC. 39. A person who violates any provision of this article is guilty of a misdemeanor, and is liable to a penalty of sixty dollars and to an additional penalty of twenty-five dollars for each bird, or part of bird taken or possessed in violation thereof.

Approved May 2, 1900.

SEC. 1109, Penal Code. [Shooting or hunting upon the first day of the week is prohibited.]

NORTH CAROLINA.

Code of North Carolina, 1888, Vol. II, p. 235.

SEC. 2834. No person shall kill or shoot, trap or net any partridges, quail, doves, robins, lark, mocking-birds or wild turkeys, between the first day of April and the fifteenth day of October in each year; and the person so offending shall be guilty of a misdemeanor, and fined not exceeding ten dollars for each offence. (1874–75, chap. 195; 1881, chap. 254.)

SEC. 2837. [No person shall hunt or shoot wild fowl on Sunday.]

NORTH DAKOTA.

Laws of 1899, chap. 93, p. 125.

SEC. 2. [It shall be unlawful for any person to hunt, kill, or wound any of the birds hereinafter mentioned without having first obtained a permit, under penalty of a fine of $20 to $50 or imprisonment not exceeding 30 days: *Provided*, That nothing in this section shall prevent any resident of this State, or member of his family living at home, from hunting on lands owned or controlled by him during the open season as provided by law, or shall prevent children under the age of 16 years from hunting if they have the written consent of their parents or guardians.]

SEC. 4. [The county auditor shall issue permits to any person applying therefor, on payment of $25, if the applicant is a nonresident of the State, and on payment of 75 cents if a resident of this State. All permits shall expire on the thirty-first day of December next after their issuance. It shall be unlawful for the State game warden or any of his deputies, or any county auditor, to issue complimentary or special permits.]

SEC. 7. Every person who either:

1 Shoots or kills * * * any song bird or insect-eating bird, except snipe or plover, at any time; or

4 Shoots or kills any * * * crane * * * between the first day of May and the twentieth day of August following; or

6 Uses or employes any trap, snare, net or bird lime, or medicated, drugged or poisoned grain or food to capture or kill any of the birds mentioned in subdivisions 1, 2, 3, or 4 of this section; or

7 Wantonly destroys any nest or eggs of any of the birds mentioned * * *

Is guilty of a misdemeanor, and upon conviction thereof before any justice of the peace of the county, is punishable by a fine of not exceeding ten dollars for each of the birds mentioned in subdivisions 1, 2, 3 or 4 of this section, so shot or killed or nest or eggs so destroyed, and for each violation of subdivisions 5 or 6 of this section. * * *

Approved March 8, 1899.

OHIO.

Revised Statutes, 1897 (as amended by General Acts of 1898, Vol. XCIII, p. 106).

SEC. 6960. No person shall at any time, kill or injure, or pursue with such intent, any sparrow, nuthatch, warbler, flicker, viroe [vireo], wren, robin, catbird, tanager, bobolink, blue-jay, oriole, grosbeak or red bird, creeper, redstart, waxwing, woodpecker, humming bird, bunting, starling, redwing, purple martin, brown thrasher, American goldfinch, chewink or ground robin, pewee or phoebe bird, chickadee, fly catcher, gnat catcher, mouse hawk, whippoorwill, snowbird, titmouse or eagle. No person shall, at any time, destroy the eggs or nest of any of the birds named in this section. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof, shall be fined as provided in section 6968; provided further, that nothing in this act shall prohibit the killing of the house or English sparrow at any time, by anybody, or prohibit the killing of the American robin and blue-jay, by the owner or tenant of any premises where such birds are found destroying berries or fruit growing on such premises.

SEC. 6960*a*. The provisions in section 6960 of this act shall not apply to any person holding a permit giving the right to take birds or their nests and eggs for scientific purposes as herein provided. [Permits may be granted by the president of the fish

and game commission to any properly accredited person. Applicants must present to said president of the fish and game commission written testimonials as to good character and fitness from two well-known scientific men or teachers of science, must pay one dollar, and must file a properly executed bond in the sum of one hundred dollars signed by at least two responsible citizens of the State as sureties. Permits shall be in force two years from date of issue and shall not be transferable.]

SEC. 6961. [No person shall kill any dove except between July 4 and December 15, or destroy the eggs or nests of any of the birds named in this section. No person shall hunt, shoot, or trap, or have in possession in the open air, the implements for hunting, shooting, or trapping, on the first day of the week, called Sunday.]

Passed April 12, 1898.

SEC. 6965. [Prohibits killing, maiming, or discharging firearms at any wild pigeon while it is on its nesting ground or at its roosting place, or breaking up or disturbing any pigeon roost or nesting place or the birds therein, or discharging any firearm within one-half mile of any pigeon roost or nesting place, or disturbing or destroying any pigeon eggs or nestlings, under penalty provided in section 6968.]

SEC. 6968. [Any person convicted of any violation of any of the provisions of this act shall be fined not less than twenty-five (25) dollars, nor more than one hundred (100) dollars, and in case of neglect or refusal to pay said fine, be imprisoned in the county jail or workhouse, and shall there remain for the full period of thirty days. (Revised Statutes, 1897.)]

OKLAHOMA.

Session Laws of 1899, Chap. XV, p. 164.

SEC. 1. It shall be unlawful for any person to wound, kill, ensnare, or trap in any manner within this Territory, any * * * wren, martin, swallow, robin, turkey buzzard, plover, dove or insectiverous [sic] birds, or pursue the same with such intent or to have the same in their possession, except * * * it shall be lawful to shoot plover and dove between the first day of August and the thirty-first day of December of each year * * * and any person who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be, on conviction, fined not less than twenty-five dollars nor more than one hundred dollars, with costs of suit, and in default of payment shall be committed until same is paid.

Approved March 10, 1899.

OREGON.

General Laws of 1895, p. 59. Act to protect the native song birds.

SEC. 1. Every person who shall, within the State of Oregon, after the passage of this act, for any purpose, injure, take, kill or destroy, or have in his possession, sell or offer for sale any yellow-breasted chat, meadow lark, robin, song sparrow, lark-finch, variegated thrush, wood thrush, hermit-thrush, American goldfinch, bluebird, snowbird, oriole, lazuli-finch, house and winter wren, pine linnet, California linnet, warblers, vireo, swallow, tanager, grossbeaks, kinglets or horned lark, shall be guilty of misdemeanor.

SEC. 2. Every person who shall, within the State of Oregon, at any time after the passage of this act, destroy or remove from nests of any yellow-breasted chat, meadow lark, robin, song sparrow, lark-finch, variegated thrush, wood thrush, hermit-thrush, American goldfinch, bluebird, snowbird, oriole, lazuli-finch, house and winter wren, pine linnet, California linnet, warblers, vireo, swallow, tanager, grossbeak, kinglets or horned larks, any egg or eggs of such birds or have in possession, sell, or offer for

sale any such eggs, or willfully destroy the nests of any such birds shall be guilty of a misdemeanor.

SEC. 3. Every person convicted of a violation of any of the provisions of this act shall be punished by a fine of not less than five dollars, and not more than one hundred dollars, and in default of the payment of the fine imposed, shall be imprisoned in the county jail of the county where the offense was committed, at the rate of one day for each dollar of the fine imposed.

Approved February 23, 1895.

General Laws of 1895, p. 97. Act for the protection of game, fish and wild fowl.

SEC. 25. Every person who shall within the State of Oregon after the passage of this act for any purpose injure, take, kill or destroy or have in his possession, except for breeding purposes, sell or offer for sale any nightingale, skylark, black thrush, gray singing thrush, linnet, goldfinch, greenfinch, chaffinch, bullfinch, red-breasted European robin, black starling, grossbeak, Oregon robin or meadow lark or mocking bird, shall be guilty of a misdemeanor.

SEC. 26. Every person who shall within the State of Oregon at any time after the passage of this act, destroy or remove from the nest of any nightingale, skylark, black thrush, gray singing thrush, linnet, goldfinch, greenfinch, chaffinch, bullfinch, red-breasted European robin, black starling, grossbeak or mocking bird, any egg or eggs of such bird, or have in possession, sell or offer for sale any such egg or eggs, or willfully destroy the nests of any such birds, shall be guilty of a misdemeanor.

SEC. 27. That every person who shall, within the State of Oregon, after the passage of this act, willfully take, injure or destroy, any sea gull shall be guilty of a misdemeanor.

SEC. 31. Every person convicted of a violation of sections * * * [25, 26, and 27] of this act shall be punished by a fine of not less than twenty-five dollars and not more than two hundred dollars, or imprisonment in the county jail of the county where the offense was committed for not less than three months, or both such fine and imprisonment.

Approved February 25, 1895.

PENNSYLVANIA.

Laws of 1897, No. 103, p. 124.

SEC. 1. [That there shall be no hunting or shooting on the first day of the week called Sunday, under penalty of $25 for each offense, or imprisonment for a period of one day for each dollar of penalty imposed.]

SEC. 2. That no person in this Commonwealth shall kill, wound, trap, net, snare, catch with birdlime or any similar substance, poison or drug, any bird of song or any warbler, linnet, titmouse, blue bird, sparrow, yellow bird, thrush, downy woodpecker, hairy woodpecker, pileated woodpecker, red bellied woodpecker, red headed woodpecker, catbird, pewee, vireo, martin, tanager, tiltup, blue finch, indigo bird, oriole, shrike, kildeer, gnatcatcher, snow bird, hair bird, grossbeak, whip-poor-will, cuckoo, chewink, chickadee, chat, phœbe bird, redstart, finch, humming bird, cow bird, shore lark, wren, swallow, robin, grackle, meadow lark, nuthatch, least bittern, swift, nighthawk, starling or bunting. Nor shall any person purchase or have in possession, or expose for sale, any of the aforesaid song or wild birds, or the game mammals killed or taken in this State except as hereinafter provided; but nothing herein shall be construed to prevent the keeping of song birds in cages as domestic pets. No person shall take or needlessly destroy the nest or eggs of any song or

other wild birds except as hereinafter provided. This act shall not apply to any person holding a certificate giving the right to take birds and their nests and eggs and game mammals for scientific purposes in accordance with the following provisions. [Certificates may be granted by board of game commissioners to any properly accredited person of fifteen years of age or upward. The applicant must present to the board written testimonials as to his good character and fitness from two well known scientific men, must pay five dollars, and must file a properly executed bond in the sum of one hundred dollars signed by two responsible citizens of the Commonwealth as sureties. Certificates shall be in force one year from date of issue and shall not be transferable.] The English or European house sparrow, the kingfisher, cooper's hawk, sharp-shinned hawk, duck hawk, pigeon hawk, great horned owl, and barred owl, green heron and night heron are not to be included among the birds protected by this act. Any person or persons violating any of the provisions of this act shall be liable to a penalty of ten dollars for each and every violation, or in default of payment thereof by imprisonment in the county jail for a period of one day for each dollar of penalty imposed.

SEC. 6. [No person shall catch, take, kill or have in his possession any of the birds, the killing of which is prohibited, with intent to ship or remove the same beyond the limits of this State or with intent to allow or aid in the shipment or removal thereof out of this State.]

SEC. 10. Except as provided for in section two, no person, for any reason or purpose whatever, shall take, have in his or her possession or under control, break or destroy or in any manner interfere with any nest or the eggs therein *or* [of?] any of the kinds of birds the killing of which is at any time or all time herein prohibited: *Provided*, That this does not apply to persons who have obtained certificates permitting them to collect the nests and eggs of wild birds other than game birds. Whoever shall offend against any of the provisions of this section shall be liable to a penalty of fifty dollars for each and every offense so committed, or by imprisonment in the county jail for a period of one day for each dollar of penalty imposed.

Approved June 4, 1897.

SEC. 11. (Act of June, 1878.) [No person shall kill any reedbird except in the months of September, October and November.]

SEC. 1. (Act of May 17, 1883.) [It shall be lawful to kill web-footed wild fowl only from September 1 to May 1 in each year.]

RHODE ISLAND.

General Laws, 1896, chap. 112, p. 380 (as amended by Public Laws of 1900, chap. 746.)

SEC. 1. Every person who shall take, kill, destroy, buy, sell, or offer for sale, or have in his possession any wild bird, or birds, at any season of the year, except as hereinafter provided, shall be fined twenty dollars for each of such birds.

SEC. 2. Every person who shall pursue with intent to kill any wild bird, except as hereinafter provided, shall be fined twenty dollars for each offence.

SEC. 3. Every person who shall wilfully disturb or destroy the nest or eggs of any wild bird, except as hereinafter provided, shall be fined twenty dollars for each offence.

SEC. 5. Sections 1, 2, and 3 of chapter 112 shall not apply to the killing of English sparrows, hawks (except fishhawks), owls, crows, and crow-blackbirds at any season of the year, by any person on his own land.

SEC. 11. Every person who shall between the sixteenth day of December and the 15th day of October next following, inclusive, shoot at or kill any bird upon land not owned or occupied by himself, and without permission of the owner or occupant

thereof, shall forfeit and pay to the owner or occupant thereof five dollars for the first offence and ten dollars for every subsequent offence in addition to the damages sustained.

SEC. 12. Any person above the age of fifteen years, having a certificate from the curator of the museum of zoology of Brown University, the President of the Rhode Island College of Agriculture and Mechanic Arts, or from any incorporated society of natural history or college in the State, to the effect that said person is engaged in the scientific study of ornithology, or is making collections in the interest of, or for said institutions, or any one of them, may take the nest and eggs of, or at any season of the year may take or kill, any undomesticated birds, except those named in section four [woodcock, ruffed grouse, quail, black duck, wood-duck, teal, coot, scoter, or any other duck, geese, brant, peep, plover, snipe, sandpiper, sanderling, greater and lesser yellowlegs, curlew, and rail].

Passed May 4, 1900.

SEC. 16 (as amended by chap. 678, Public Laws of 1899, p. 119). [Provides that the governor shall appoint five commissioners of birds one from each county, who shall hold office for three years and shall protect birds throughout the state and prosecute every person violating laws relating to birds. Said commissioners may appoint deputies not exceeding five in each county and any commissioner or deputy may arrest, without warrant, every person whom they shall find pursuing with intent to kill, taking or killing birds, or who shall have birds in his possession contrary to the laws of the state relating to birds; and may seize without warrant, any birds found in the possession of any person when killing of such birds is prohibited.]

Passed May 25, 1899.

SOUTH CAROLINA.

Revised Statutes, 1893, vol. 2, p. 405.

SEC. 426. It shall not be lawful for any person in this State to wantonly shoot, or entrap for the purpose of killing, or in any other manner destroy, any bird whose principal food is insects, or take or destroy the eggs or young of any of the species or varieties of birds that are protected by the provisions of this Section, comprising all the species and varieties of birds represented by the several families of bats, whippoorwills, fly-catchers, thrashers, warblers, finches, larks, orioles, nut-hatchers [sic], woodpeckers, humming birds, blue-birds, and all other species and varieties of land birds, whether great or small, of every description, regarded as harmless in their habits, and whose flesh is unfit for food, including the turkey buzzard, but excluding the jackdaw, the crow, the crow black-bird, the eagle, and all hawks and owls which prey upon other birds; and any person violating the provisions of this Section shall on conviction thereof forfeit and pay a fine of ten dollars or be imprisoned not less than ten days, * * * *Provided*, that no person shall be prevented from protecting any crop of fruit or grain on his own lands from the depredations of any birds herein intended to be protected. (1872, XIV, 160.)

SEC. 427. No person or persons shall at any time or place within this State take, kill, sell, expose for sale, export beyond the limits of the State, or cause to be taken, killed, sold, exposed for sale or exported beyond the limits of the State, any mocking bird, nonpareil, swallow, bee bird, red-bird, woodpecker, thrush or wren under a penalty of five dollars for each bird so taken, killed, sold, exposed for sale or exported beyond the limits of the State; and it shall be lawful for any person to take or destroy any net, traps or snares used for taking such birds wheresoever found set for such purpose: *Provided*, That nothing herein contained shall prohibit any person from taking and keeping any bird of song or plumage for his own pleasure or amusement, and not for sale, traffic or gain. (1878, XVI, 406; 1883, XVIII, 324.)

SEC. 428. No person or persons shall destroy or rob the nests of any of the said birds under a penalty of ten dollars for each offense.

SEC. 432. It shall not be lawful for any person in this State to catch, kill, injure, sell or expose for sale * * * any dove between the first day of March and the first day of August. And any person so doing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than twenty dollars or be imprisoned not more than thirty days.

SEC. 433. Nothing herein shall apply to any person who shall kill or take any of the said birds for the purpose of studying its habits or history, or having the same stuffed and set up as a specimen, or to any person who shall kill on his premises any of the said birds in the act of destroying fruit or grain crops.

SOUTH DAKOTA.

Session Laws of 1899, chap. 90, p. 111.

SEC. 1. (1) Every person who shoots or kills * * * any song bird or insect eating bird at any time, excepting crows, blackbirds and sparrows; or (2) * * * kills any * * * wild crane between the first day of May and the first day of September following; * * * or (4) uses or employs any trap, snare, net or bird lime, or medicated, drugged or poisoned grain or food to capture or kill any of the birds mentioned * * * or (5) wantonly destroys any nest of [or] eggs or [of] any of the birds mentioned * * * (8) is guilty of a misdemeanor, and upon conviction thereof before a justice of the peace of the county, is punishable by a fine of not more than ten dollars ($10) for each of the birds mentioned * * * so shot or killed or nests or eggs so destroyed.

SEC. 4. Any attempt to violate any provision of any section of this Act shall be deemed a violation of such provision.

Approved March 6, 1899.

TENNESSEE.[1]

Annotated Code, 1896.

[ARTICLE XI, section 13 of the constitution provides that "The general assembly shall have power to enact laws for the protection and preservation of game and fish within the State, and such laws may be enacted for and applied and enforced in particular counties or geographical districts, designated by the general assembly."]

SEC. 2898. [It shall be unlawful for any person to kill "any song bird, or bird that feeds on insects that destroy fruit trees," in the county of Hardin between March 15 and September 15, or to destroy the nests or young of such birds. (1889, chap. 95, sec. 2.)]

SEC. 2899. [Penalty for violation of section 2898, a fine of not less than $5.]

SECS. 2905, 2907. [Prohibit killing of larks in Warren County between March 1 and October 1, under penalty of fine of $10 to $25 for each lark killed. (1895, chap. 162.)]

SEC. 2936. No person shall hunt, capture, or kill any song bird, as the mocking bird, thrush, robin, and oriole; or any game bird as the * * * lark; or any bird that feeds on insects which destroy fruit trees, as the sparrow, catbird, bluebird, and woodpecker, in Robertson, Davidson, Maury, and Shelby counties, from the first day of February to the first day of September; nor in Lincoln county from the first day of March to the fifteenth day of September. (1873, chap. 83; 1877, chap. 162; 1870, chap. 99.)

SEC. 2937. No person shall at any time destroy the nests or eggs of any of said birds in any of the counties named in last section. (Ibid.)

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[1] These laws are compiled from the Annotated Code. There may be other County laws passed since 1896 which have been overlooked.

SEC. 2938. [Penalty for violation of sections 2936 and 2937, fine of $5 for every bird killed, and also for every nest robbed or destroyed.]

SECS. 2940–2941. [Prohibit killing of larks, from March 1 to September 15, or killing of mocking birds, thrushes, robins or orioles, "or any birds known to destroy insects, as the sparrow, bluebird, woodpecker, or yellowhammer;" or to destroy their nests or eggs in Henry, Dyer, Giles, Maury, Davidson, Madison, Hamilton, Bedford, and Wilson counties under penalty of fine of $2.50 for every bird killed or nest robbed or destroyed. (1875, chap. 127; 1887, chap. 130.)

Doves, larks and robins may be killed in Wilson county between August 1 and April 1. (Acts 1899, chap. 57, sec. 4, p. 80.)]

SECS. 2943–2946. [Prohibit killing in Montgomery and Cheatham counties "any song bird as the mocking bird, thrush, robin, or oriole; or any bird that feeds on insects, as the sparrow, catbird, bluebird or woodpecker" or lark from March 1 to October 15, or killing of doves from March 1 to August 1, or destroying the nests and eggs or holding any lark or dove in captivity during close season, except oath is made at time of acquiring possession that they are retained in captivity for purpose of being set free in county aforesaid, under penalty of punishment for misdemeanor. (1879, chap. 22.).]

SEC. 2957. [Prohibits killing, in Greene and Bradley counties, of larks and doves between February 1 and November 1, or killing or capture of "any of the birds of song as the thrush, the robin, the redbird, the oriole, the mocking bird," or "any of the birds known to destroy insects, as the American sparrow, bluebird, woodpecker, yellowhammer," under penalty of fine of not less than $5 or imprisonment not less than five days. (1893, chap. 152.).]

TEXAS.

Revised Statutes, 1895, Penal Code, Title XIII, chap. 5, p. 100.

ART. 518. If any person shall willfully kill or in any manner injure any mocking bird, whippoorwill, night hawk, blue bird, red bird, finch, thrush, linnet, wren, martin, swallow, bobolink, cat bird, nonpareil, scissortail, sparrow, buzzard or carrion crow, he shall be deemed guilty of a misdemeanor, and upon conviction before a justice of the peace or other court of competent jurisdiction, he shall be fined a sum of not less than five nor more than fifteen dollars. (Act March 15, 1881, p. 30.)

ART. 519. If any person shall willfully kill any seagull, tern, shear-water, egret, heron, or pelican, or shall willfully take from their nests or in any manner destroy any egg or eggs of any seagull, tern, shear-water, egret, heron or pelican, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five nor more than twenty-five dollars; provided, that the killing of any of the birds above enumerated, or taking of their eggs with intent to preserve the same for scientific purposes, shall not be construed to be a violation of this act. (Act April 13, 1891, chap. 71, p. 90.)

ART 520 (as amended by Acts of 1895, p. 158). [The following counties are hereby exempted from the provisions of article 518: Cherokee, Shelby, Franklin, Rockwall, Hopkins, Williamson, Coryell, Mills, Commanche, Runnels, Cooke, Wise, Madison, Clay, Jack, Stephens, Polk, Throckmorton, Callahan, Taylor, Jones, Kent, Garza, Lynn, Terry, Yoakum, Trinity, Archer, Lamar, Cass, San Jacinto, Camp, Dimmit, Jackson, Kaufman, Angelina, Sabine, Walker, Trinity, Panola, Jack, Young, Lee, Bastrop, Brazos, Wilson, Freestone, Lampasas, Brazoria, Nacogdoches, Hill, Rusk, Burnet, Karnes, Atascosa, Wood, Rains, and San Augustine. (See p. 46.)]

UTAH.

Laws of 1899, chap. 26, p. 42.

SEC. 21. [Permits killing of mourning doves between July 1 and December 1, but prohibits the robbing or destroying of nests, eggs or young.]

SEC. 22. It shall be unlawful for any person to kill, ensnare, net or entrap at any time in any year any gull, owl, hawks, lark, whippoorwill, thrush, swallow, snowbird, robins or other insectivorous or song birds, except the English sparrow, or to rob or destroy the nests, eggs or young of any of said protected birds mentioned in this section.

SEC. 27. Any person violating any of the provisions of this act * * * shall be guilty of a misdemeanor and shall be fined not less than ten dollars.

SEC. 29. [It shall be unlawful for any person at any time to ship or cause to be shipped out of the State, any of the birds or any part thereof mentioned in this act.]

Approved March 9, 1899.

VERMONT.

Vermont Statutes, 1894, title 31, chap. 189, p. 829.

SEC. 4614. If a person shoots, or otherwise intentionally wounds, entraps, ensnares or captures a wild or undomesticated bird, except quail, woodcock, wild duck, Wilson's or English snipe, ruffed grouse, wild goose, plover, pheasant, English partridge, merganser, blue heron, bittern, loon, English sparrow, crow black bird, crow, jay, or birds of prey, or if a person destroys the nest or eggs of any wild or undomesticated birds, except the nest or eggs of a merganser, blue heron, bittern, loon, English sparrow, crow black bird, crow, jay and birds of prey, he shall be fined five dollars for each offense.

SEC. 4613 (as amended November 4, 1898, Act 104, p. 81). [Provides for permits to collect for scientific purposes as follows: "The fish and game commissioners may commission persons, for a time specified, reserving a power of revocation, to take, kill, capture and have in possession any species of birds other than domestic, and the nests and eggs thereof, for scientific purposes only, but the number of such commissions in force at any one time shall not exceed five."]

VIRGINIA.[1]

Code, 1887, title 27, chap. 95, p. 520.

SEC. 2079. It shall be unlawful for any person * * *

Third * * * at any time, to kill the turkey buzzard or black buzzard, or to capture, for sale or transportation, or kill the mocking bird, or kill or capture the brown thrush, cardinal or red bird, wood robin, blue bird, house martin, or starling, or destroy their nests or

Fifth * * * to shoot, or in any manner kill or destroy the bird known as the gull or striker, before the first day of September, or take its eggs later in the season than the twentieth of July.

SEC. 2080. If any person violate any of the provisions of the preceding section, he shall be deemed guilty of a misdemeanor, * * * the offender shall be fined ten dollars for each offence and imprisoned in jail until the fine be paid, but not exceeding thirty days.

SEC. 2081. The two preceding sections shall not apply to the counties of Mecklenburg, Brunswick, Dinwiddie, Sussex, Greenesville, Cumberland, Nottoway, Lunenburg, Amelia and Appomattox. * * *

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[1] No attempt has been made to include the special county laws.

WASHINGTON.

Session Laws of 1897, Chap. LII, p. 86.

SEC. 9. [Prohibits trapping of wild pigeons under penalty provided in section 18.]

SEC. 16. Every person who shall, at any time, take, kill, injure or destroy, trap, ensnare, molest or disturb, or have in his possession, sell, or offer for sale, any nightingale, skylark, black thrush, gray singing thrush, goldfinch, greenfinch, bullfinch, red breasted robin, English robin, black starling, grosbeak, meadow lark, mocking bird, wild canary bird, or other song bird, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

SEC. 17. Every person who shall at any time, take from the nest of any song bird, the egg or eggs of such birds, or disturb, molest or destroy the nest of the song birds of this state shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as hereinafter provided.

SEC. 18. Every person convicted of any of the misdemeanors defined in the foregoing sections of this act, shall be punished by a fine of not less than ten dollars ($10) nor more than one hundred ($100) dollars, together with the costs of the prosecution in such action, and in default of the payment of said fine, shall be imprisoned in the county jail one day for each two dollars ($2) of such fine.

Approved March 11, 1897.

Session Laws of 1899, Chap. V, p. 7.

SEC. 1. [Every person who shall kill any sandhill crane between March 1 and August 15 of any year shall be guilty of a misdemeanor.]

WEST VIRGINIA.

Code, 1891, Chap. LXII, p. 604.

SEC. 10 (as amended by Acts of 1897, chap. 30, p. 85). It shall be unlawful for any person at any time to catch, kill or injure, or pursue with intent to catch, kill or injure, or to have in his possession, either dead or alive, any of the birds, or their kindred or allied species, in this section hereinafter mentioned; and it shall, also, be unlawful for any person to disturb or destroy the eggs or nest of any of the birds or their kindred or allied species, in this section hereinafter named; that is to say: turkey buzzard, the family of pingilladæ [sic] or sparrows, except English sparrows, robin, bluebird, martin, thrush, mocking-bird, swallow, oriole, cat-bird, chewink, wren, cuckoo, indigo-bird, nuthatch, yellow-hammer or flicker, warbler or finch, redstart, dummock, nightingale, crossbill, Hungarian robin, titmouse, tit or tomtit, woodpecker or purple grackle, red-wing, blackbird, blue-jay, phœbe-bird or pewee, redbird or cardinal grosbeck, humming-bird, dove, whip-poor-will and any other bird whose habits are not essentially predatory upon and destructive of the agricultural products of man.

Approved February 24, 1897; in effect May 23, 1897.

SEC. 12. And it shall be unlawful for any person to destroy or disturb the eggs of any of the birds protected by this chapter; and any person offending against any of the foregoing provisions of this chapter, shall be fined in any sum not less than two dollars, nor more than twenty-five dollars, for each offence on conviction in the proper court, or be imprisoned in the county jail not more than twenty days, or both at the discretion of the court, and pay the costs of prosecution. (Acts 1875, chap. 117; 1882, chap. 89.)

WISCONSIN.

Wisconsin Statutes, 1898, chap. 62, vol. 1, p. 1112.

SEC. 1498*i*. The [fish and game] warden may grant, on satisfactory testimonials of well-known scientists only, a certificate to any member of an incorporated society of natural history or to any professor of any university, school or college, or any person properly accredited by any such institution, authorizing such person or institution to collect, for scientific purposes only, the nests, eggs, animals, birds and fish protected by these statutes. No person to whom such certificate is issued or who acts under the same shall dispose of any such specimens except in exchange for scientific purposes.

Wisconsin Statutes, 1898, chap. 185, vol. 2, p. 2759.

SEC. 4563 (as amended by Acts of 1899, chap. 267, sec. 1). [Any person who shall take, catch or kill any wild duck, brant, or any aquatic fowl, excepting wild geese, between January 1 and September 1, shall be punished by a fine of $20 to $50, or by imprisonment of 10 to 60 days, or by both such fine and imprisonment.]

SEC. 4565 (as amended by Acts of 1899, chap. 311, sec. 10, p. 558). Any person who shall catch or kill at any time, or for any purpose whatever, except as authorized by law, any whippoorwill, night-hawk, bluebird, finch, thrush, robin, lark, turtle dove, or any other harmless bird shall be punished by a fine of not more than fifty dollars or by imprisonment in the county jail for not more than thirty days, provided that this section shall not apply to blackbirds, crows, English sparrows or pigeons for trapshooting.

SEC. 4565*a*. Any person who shall take or destroy the eggs or nest of any waterfowl or bird, except crows and English sparrows, shall be punished by a fine of not more than five dollars or by imprisonment in the county jail for not more than ten days.

SEC. 4566*a*. An attempt to violate any of the provisions of the * * * preceding sections shall be deemed a violation thereof.

[NOTE.—The index refers to 'Birds not killed for millinery purposes, § 4567a, p. 2761.' No such section has been found, the one indicated referring to fish.]

WYOMING.

Session Laws of 1899, chap. 19, p. 31.

SEC. 12. No person shall kill, net or trap within this State, except as hereinafter provided, any * * * Lark, Whippoorwill, Finch, Thrush, Snow-bird, Turkey Buzzard, Robin or other insectivorous birds. * * *

Any person who shall violate any of the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten, nor more than fifty dollars, together with costs of suit, and shall be prosecuted and punished in the same manner as in other cases of misdemeanor.

SEC. 13. [Killing of wild swans prohibited at any time under a penalty of $10 to $25 and imprisonment not exceeding 60 days.]

Approved February 15, 1899.

III. CANADIAN LAWS FOR THE PROTECTION OF BIRDS.

Measures for the protection of birds in the Provinces of Canada are similar in many respects to those in force in the United States. British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario, and Quebec all have statutes relating to non-game birds, but apparently no such laws are in force in Prince Edward Island or the Northwest Territories. The recent laws of Manitoba have not been seen, and it is possible that some amendment to the Revised Statutes which should be included has been overlooked.

BRITISH COLUMBIA.

Statutes of 1898, chap. 24, p. 123.

[Sec.] 2. * * * The expression, "game bird," wherever the same occurs in this Act, shall mean a bird protected by the provisions of this Act.

[Sec.] 5. No person other than the importer, on his own property held as a private reserve, shall hunt, trap, take, shoot at, kill or wound any game birds or animals hereafter imported for acclimatization purposes and distributed in any part of the Province, until such time, and thereafter under such regulations, as the Lieutenant-Governor shall appoint and make under the provisions of section 23 hereof.

[Sec.] 7. No eggs of any of the birds mentioned in this Act shall be taken, destroyed or had in possession by any person at any time: *Provided, however,* It shall be lawful for the Provincial Secretary, on such conditions as he shall think fit, by writing under his hand, to at any time authorise any person to trap or have in his possession any birds, or take eggs, for breeding or acclimatization purposes. * * *

[Sec.] 10. It shall be unlawful to catch, kill, destroy or pursue, or to buy, sell, or expose for sale, show or advertisement, any of the game birds or animals during the close seasons and prohibited times of sale set out in the following Schedule B, which is deemed to be part of this Act, or otherwise contravene the provisions thereof.

[Schedule B declares it unlawful at any time to shoot or destroy, buy, sell, or expose for sale, show, or advertisement, birds living on noxious insects, blackbirds (English), chaffinch, gull, linnet, robin, skylark, thrush, or eggs of protected birds. It is unlawful to shoot or destroy bittern or meadow lark between March 1 and August 31, or to buy, sell, or expose for sale at any time.]

[Sec.] 12. The provisions of this Act shall not apply to * * * the Curator of the Provincial Museum, or his assistant, assistants, or agent (appointed by him in writing), while collecting specimens of natural history for the Provincial Museum.

[Sec.] 23. It shall be lawful for the Lieutenant-Governor, in Council from time to time to make rules and regulations, not inconsistent with the provisions of this Act, for carrying out the true intent and meaning hereof, and for the protection of game

in the Province, and to provide penalties for the infraction thereof, and such rules and regulations, after being published in two successive issues of the British Columbia Gazette, shall have the force and effect of law.

MANITOBA.

Revised Statutes, 1891, I, chap. 75, p. 803.

[SEC.] 1. This Act may be cited as "The Insectivorous Birds Act."

[SEC.] 2. Nothing in this Act contained shall be held to affect "The Game Protection Act," or to apply to any imported cage birds or other domesticated bird or birds generally known as cage birds, or to any bird or birds commonly known as poultry. (53 V., c. 33, s. 1.)

[SEC.] 3. It shall not be lawful to shoot, destroy, wound or injure, or to attempt to shoot, destroy, kill, wound or injure, any bird whatsoever, save and except eagles, falcons, hawks, owls, wild pigeons, black-birds, king-fishers, jays, crows, English sparrows, ravens, shrikes, bitterns, curlews, cranes, rusty grackle, purple grackle, cormorants, gulls, mergansers, pelicans, loons and the birds specially mentioned in "The Game Protection Act." (53 V., c. 33, s. 2.)

[SEC.] 4. It shall not be lawful to take, capture, buy, sell, expose for sale or have in possession any bird whatsoever, save the kinds hereinbefore or hereinafter excepted, or to set, wholly or in part, any net, spring, snare, cage or other machine or engine by which any bird whatsoever, save and except eagles, falcons, hawks, owls, wild pigeons, black-birds, king-fishers, jays, crows, English sparrows, ravens, shrikes, bitterns, curlews, cranes, rusty grackle, purple grackle, cormorants, gulls, mergansers, pelicans and loons, might be killed and captured; and any net, trap, spring, snare, cage or other machine or engine, set either wholly or in part for the purpose of capturing or killing any bird or birds, save and except eagles, falcons, hawks, owls, wild pigeons, black-birds, king-fishers, jays, crows, English sparrows, ravens, shrikes, bitterns, curlews, cranes, rusty grackle, purple grackle, cormorants, gulls, mergansers, pelicans and loons, may be destroyed by any person without such person incurring any liability therefor. (53 V., c. 33, s. 3.)

[SEC.] 5. It shall not be lawful to take, injure, destroy or have in possession any nest, young or egg of any bird whatsoever, except of eagles, falcons, hawks, owls, wild pigeons, black-birds, king-fishers, jays, crows, English sparrows, ravens, shrikes, bitterns, curlews, cranes, rusty grackle, purple grackle, cormorants, gulls, mergansers, pelicans and loons. (53 V., c. 33, s. 4.)

[SEC.] 7. The Minister of Agriculture and Immigration and all persons authorized by him to that effect may grant written permission to any person or persons who may be desirous of obtaining birds or eggs for *bona fide* scientific purposes to procure them for those purposes, and such person or persons receiving such permission shall not be liable to any penalty under this Act. (53 V., c. 33, s. 6.)

[SEC.] 8. The violation of any provision of this Act shall subject the offender to a fine of not less than one dollar and not more than twenty dollars, with costs, on summary conviction, on information or complaint before one or more justices of the peace or a police magistrate. (53 V., c 33, s. 7, s-s. 1.)

NEW BRUNSWICK

Acts of the General Assembly of 1899, Chap. VIII, p. 61.

[SEC.] 2. (*b*) The expression "game" includes any animal or bird mentioned in this Act, or of a species or class similar thereto.

[SEC.] 4. Everyone is guilty of an offence and liable to the penalty hereinafter provided who at any time or season hereafter, in any part of the Province:

(*a*) Hunts, takes, hurts, injures, traps, snares, shoots, wounds, kills or destroys: * * *

II. Any game on Sunday: [Penalty, double that for killing same game on any week day in close season.]

III. Any game in any park, pleasure resort, land or forest now or hereafter set apart or reserved for public park purposes: [Penalty, double that for killing same game in any other closed district.]

IV. Any sea gull, pheasant or any small birds which frequent the fields and woods (except such birds as to which special provisions are made in this Act, and excepting also blackbirds, crows and English sparrows), or removes, damages or destroys the nest or eggs thereof. [Penalty, $5 fine or 5 days' imprisonment.]

[Sec.] 7. Notwithstanding anything in this Act contained it shall be lawful to

(*a*) Hunt, take, shoot or kill * * *

II. Any game for preservation as specimens of natural history, or for scientific investigation, provided a license therefor is first obtained as provided in section 44.

[Sec.] 44. * * * The Surveyor-General may also issue licenses permitting the taking or killing of any game within the Province for preservation as specimens of natural history, or for scientific investigation.

[Sec.] 45. No license or permit issued under the provisions of this Act shall be valid unless signed by the Surveyor-General and countersigned by the chief game commissioner or warden who may have issued the same.

NEWFOUNDLAND.

Consolidated Statutes, second series, 1892, chap. 144, p. 980.

[Sec.] 2. No person shall hunt, wound, kill, take, sell, purchase, or give away, or have in his possession, any curlew, plover, snipe, or other wild or migratory birds (excepting wild geese), or the eggs of any such birds, within this colony between the twelfth day of January and the twentieth day of August in each year, under a penalty of not less than twenty-five dollars nor exceeding two hundred dollars, or, in default of payment, of imprisonment for a period not exceeding three months.

[Sec. 10 (Act of 1899). Any person, except a traveler on a journey, found on Sunday carrying firearms, shall be subject to a fine not exceeding $40, and in default of payment to imprisonment not exceeding one month.]

NOVA SCOTIA.

Statutes of 1896, chap. 4.

[Sec.] 22. The killing of robins, swallows, sparrows and other small birds and birds of song, which frequent the fields and gardens, and the selling and offering for sale, and the having in possession such birds when killed, is prohibited and unlawful.

[Sec.] 23. Any game mentioned in this Act may be killed or taken at any time for purposes of scientific investigation, and the eggs of game birds procured for propagation, a special license, setting forth the particular purpose of the inquiry, and signed by the Provincial Secretary or his deputy, having been first obtained for that purpose from the Provincial Secretary's office.

[Sec.] 24. The trapping, snaring or otherwise taking alive, or exposing for sale alive, of any of the birds mentioned in the twenty-second section, and the destroying of the nests or eggs of such birds, shall hereafter be unlawful, and any such trap or snares when found may be destroyed, and any such bird if alive shall be set free.

[Sec.] 25. Any person offending against the twenty-second or twenty-fourth section, shall for each offence incur a penalty of one dollar.

ONTARIO.

Revised Statutes, 1897, chap. 289.[1]

[SEC.] 1. Nothing in this Act contained shall be held to affect The Ontario Game Protection Act, or to apply to any imported cage birds or other domesticated bird or birds generally known as cage birds, or to any bird or birds generally known as poultry. (52 V., c. 50, s. 1.)

[SEC.] 2. (1) Except as in section 6 of this Act provided, it shall not be lawful to shoot, destroy, wound, catch, net, snare, poison, drug or otherwise kill or injure, or to attempt to shoot, destroy, wound, catch, net, snare, poison, drug or otherwise kill or injure any wild native birds other than hawks, crows, blackbirds and English sparrows, and the birds specifically mentioned in The Ontario Game Protection Act.

(2) Any person may, during the fruit season, for the purpose of protecting his fruit from the attacks of such birds, shoot or destroy, on his own premises, the bird known as the robin without being liable to any penalty under this Act. (52 V., c. 50, s. 2.)

[SEC.] 3. Except as in section 6 of this Act provided, it shall not be lawful to take, capture, expose for sale or have in possession any bird whatsoever, save the kinds hereinbefore or hereinafter excepted, or to set, wholly or in part, any net, by which any bird whatsoever, save and except hawks, crows, blackbirds and English sparrows, might be killed and captured; and any net, trap, springe, snare, cage or other machine or engine, set either wholly or in part for the purpose of either capturing or killing any bird or birds, save and except hawks, crows, blackbirds and English sparrows, may be destroyed by any person without such person incurring any liability therefor. (52 V., c. 50, s. 3.)

[SEC.] 4. Save as in section 6 of this Act provided, it shall not be lawful to take, injure, destroy or have in possession any nest, young or eggs of any bird whatsoever, except of hawks, crows, blackbirds, and English sparrows. (52 V., c. 50, s. 4.)

[SEC. 6. The chief game warden may grant to ornithologists, students of ornithology, biologists, or students of biology, permits to collect, purchase or exchange birds or eggs.]

[SEC. 7. Such permits shall continue in force until the end of the calendar year in which issued, and may be renewed at the option of the chief game warden.]

[SEC. 8. Violation of any provision of this Act shall subject the offender to the payment of a fine of $1–$20 with costs, or in default of payment imprisonment of from 2 to 20 days.]

Ontario Game Protection Act, 1900.

[SEC. 4. No person shall kill ducks of any kind or any other waterfowl between December 15 and September 1 of the following year.]

[SEC. 6. No person shall, on the Lord's Day, hunt, take, kill, or destroy any game animal or bird, or use any gun for that purpose.]

QUEBEC.

Statutes of 1899, Chap. XXIV, p. 73.

[SEC.] 1395*h*. For the purposes of this act, which may be cited as the "Quebec Game Laws," the Province of Quebec is divided into two zones, known respectively as Zone No. 1 and Zone No. 2.

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[1] For the copy of this law I am indebted to Mr. H. S. Osler, of Montreal.

Zone No. 1 comprises the whole Province, less that part of the counties of Chicoutimi and Saguenay to the east and north of the river Saguenay.

Zone No. 2 comprises that part of the counties of Chicoutimi and Saguenay to the east and north of the river Saguenay.

[Sec.] 1401. It is forbidden at all times [under a penalty of $2 to $5, provided by sec. 1410] to shoot or kill, and, between the first day of March and the first day of September in each year, to take by means of nets, traps, springs, snares, cages or otherwise any of the birds known as perchers, such as swallows, kingbirds, warblers, flycatchers, woodpeckers, whip-poor-wills, finches, (song sparrows, red-birds, indigo birds, &c.,) cow-buntings, titmice, goldfinches, grives, (robins, wood-thrushes, &c.,) kinglets, bobolinks, grakles, grosbeaks, humming-birds, cuckoos, &c., or to take their nests or eggs, except eagles, falcons, hawks and other birds of the falconidæ, owls, wild-pigeons, kingfishers, crows, ravens, waxwings (*recollets*), shrikes, jays, magpies, sparrows and starlings; and whosoever finds any nets, traps, springs, snares, cages, &c., so placed or set, may take possession of or destroy the same. (R. S. Q., 1401.) [This section applies to both zones 1 and 2.]

[Sec.] 1417. The Commissioner may grant written licenses to any person, *bona fide*, desirous of obtaining birds' eggs or fur-bearing or other animals for scientific or breeding purposes during the close season.

Persons not domiciled in the Province of Quebec shall for such licenses, pay a fee which shall not be less than five dollars, nor more than twenty-five dollars, to be determined by the Commissioner according to the number and importance of the objects such licenses are applied for.

No person, who has obtained such a license, shall be liable to any penalty enacted by this section, provided that, at the expiration of his license, he files, in the Department of Lands, Forests and Fisheries, a solemn declaration setting forth the species and number of birds, eggs and fur-bearing or other animals so procured by him for scientific or breeding purposes. (R. S. Q., 1417; 59 V., c. 20, s. 9.)

[Sec.] 1420. The Lieutenant-Governor in Council may, in his discretion, prohibit the hunting or killing of any bird or fur-bearing animal, for a period not exceeding five years. (R. S. Q., 1420.)

Assented to, February 25, 1899.

IV. BIRD AND ARBOR DAY LAWS.

CONNECTICUT.

Public Acts of 1899, chap. 14, p. 992.

Section 1576 of the general statutes is hereby amended to read as follows: The governor shall annually, in the spring, designate, by official proclamation, an arbor and bird day, to be observed in the schools, and in any other way as shall be indicated in such official proclamation.

Approved March 17, 1899.

MINNESOTA.

General Laws of 1899, chap. 36, p. 34.

SEC. 1. The governor is hereby authorized to set apart each year by proclamation one day to be designated as Arbor and Bird Day, and to request its observance by all public schools, private schools, colleges and other institutions, by the planting of trees and the adornment of the school and public grounds and by suitable exercises, having for their object the advancement of the study of arboriculture and promotion of the spirit of protection to birds and trees and the cultivation of an appreciative sentiment concerning them.

Approved March 3, 1899.

WISCONSIN.

Laws of 1897, chap. 61, p. 87.

SEC. 1. * * * The governor is hereby authorized to set apart each year, by proclamation, one day, to be designated as Arbor and Bird Day, and to request its observance by all public schools, private schools, colleges and other institutions, by the planting of trees, adornment of school and public grounds, and by suitable exercises having for their object the advancement of the study of arboriculture, the promotion of a spirit of protection to birds and trees, and the cultivation of an appreciative sentiment concerning them.

Approved March 17, 1897.

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